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THE UNIVERSITY OF ALBERTA

Cato's Letters and the Doctrine of Civic Humanism

by

Leonard Szabo

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH

IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE

OF MASTER OF ARTS

DEPARTMENT OF HISTORY

EDMONTON, ALBERTA

SPRING 1988

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ISBN 0-315-42838-4

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The Undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research, for acceptance, a thesis entitled Cato's Letters and the Doctrine of Civic Humanism submitted by Leonard Szabo in partial fulfillment of the requirements for the degree of Master of Arts.

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Supervisor

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Date 13 April, 1988

Abstract

The purpose of this study is to demonstrate that Cato's Letters, written between 1720 and 1723 by John Trenchard and Thomas Gordon, are better located in a Lockean or liberal tradition of political thought rather than that of Renaissance civic humanism. To this end, this study gives attention to the work of J.G.A. Pocock and the civic humanist paradigm he claims first emerged in England during the late seventeenth century but which Pocock insists dominated political discourse in England for the first half of the eighteenth century. As well, the opposing Lockean or Radical Whig paradigm is delineated, followed by a close examination of Cato's Letters using the two models, the civic humanist and the Lockean, to determine in which intellectual tradition the Letters are better placed.

Cato's Letters enjoyed a much wider popularity in America than in England during the eighteenth century, rivaling the widespread acceptance of the writings of Locke. This popularity assigns them a significant place in the modern debate among historians, divided into civic humanist or republican, and Lockean or liberal camps, over the nature of political discourse in revolutionary America. Cato's Letters, as this study shows, conveyed a

predominantly Lockean style of thought to America. This conclusion seriously weakens the Pocockian thesis that the "distinctive language" of political discourse in eighteenth-century England and America was that of civic humanism.

Table of Contents

	Page
Introduction	1
Chapter I. The Civic Humanist Paradigm	5
Chapter II. The Radical Whig Paradigm	36
Chapter III. Trenchard and Gordon	63
Chapter IV. Cato's Letters	89
Bibliography	118

Introduction

The history of eighteenth-century Anglo-American social and political thought has undergone significant revision during the past twenty years.[1] The liberal individualist heritage, preoccupied with natural rights, has been challenged by a republican tradition emphasizing citizenship and public participation. What is now called the liberal synthesis[2] is rooted in the political philosophy of John Locke which holds that government is by

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[1] For a more in depth discussion of these revisionist trends in American historiography see: Robert E. Shalhope, "Toward a Republican Synthesis: The Emergence of an Understanding of Republicanism in American Historiography," The William and Mary Quarterly, third series, XXIX (January 1972): 49-80; Robert E. Shalhope, "Republicanism and Early American Historiography," The William and Mary Quarterly, third series, XXXIX, No. 2 (April 1982): 334-356; Lance Banning, "Jeffersonian Ideology Revisited: Liberal and Classical Ideas in The New American Republic." The William and Mary Quarterly, third series, XLIII, No. 1 (January 1986): 3-19; John Patrick Diggins, "Comrades and Citizens: New Mythologies in American Historiography," American Historical Review 90, No. 3 (June 1985): 614-638; For Britain see J.G.A. Pocock, The Machiavellian Moment. Florentine Political Thought and the Atlantic Republican Tradition (Princeton, N.J.: Princeton University Press, 1975), pp. 423-506.

[2] See Joyce Appleby, "The Social Origins of American Revolutionary Ideology," The Journal of American History 64, No. 4 (March 1978): 935-958; and "Republicanism in Old and New Contexts," The William and Mary Quarterly, third series, XLIII, No. 1 (January 1986): 20-34, for a discussion of what she calls the liberal synthesis.

consent and should exist to protect the individual's inherent rights and private pursuits. It is based in the idea of a natural social order embedded in human nature and worked out through the voluntary interaction of individuals. The republican synthesis has roots deep in the Classical and Renaissance worlds and claims that civic humanism provides the organizing paradigm for the language of political thought in England as well as America for much, if not all, of the eighteenth century. A proper interpretation of the eighteenth century, according to the revisionists, stresses Machiavelli rather than Locke. Members of the revisionist school either de-emphasize the role of Lockean ideas in the early eighteenth century,[3] or they question Locke's influence on the entire century.[4]

Civic humanism conceives of man as a political being whose self-realization occurs only through participation in public life, through active citizenship in a republic. The virtuous man, in this view, is concerned primarily with the public good not with selfish or private ends. The corrupt man is preoccupied with his individual interests and

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[3] Isaac Kramnick, "Republican Revisionism Revisited," American Historical Review 87, No. 3 (June 1982): 629-664.

[4] J.G.A. Pocock, "The Myth of John Locke and the Obsession with Liberalism," In John Locke. Papers Read at a Clark Library Seminar, 10 December 1977, (Los Angeles: University of California, William Andrew Clark Memorial Library, 1980), pp. 3-24.

oblivious of the public good. J.G.A. Pocock, perhaps the historian most insistent in repudiating Locke's influence in the eighteenth century, holds that an English variant of civic humanism is found in the writings of James Harrington, Algernon Sidney, John Trenchard and Thomas Gordon, and Lord Bolingbroke. The ideas and language of civic humanism, Pocock claims, were transmitted to America where the works of these opposition writers, notably Cato's Letters by John Trenchard and Thomas Gordon, enjoyed wide popularity. Civic humanism, according to Pocock, provides the reigning ideas of the American Revolution.

The aim of this thesis is to examine both intellectual traditions or paradigms and analyze Cato's Letters in light of them. A superficial examination of the Letters might lead one to support those who locate them within the civic humanist paradigm.[5] Machiavelli is frequently mentioned and quoted in the Letters while Locke is mentioned but once. Algernon Sidney is also often and favorably quoted.[6]

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[5] A good example of this can be found in John Patrick Diggins, The Lost Soul of American Politics. Virtue, Self Interest, and the Foundations of Liberalism (New York: Basic Books, Inc., 1984). Diggins, while skeptical of the civic humanist influence in America, writes that civic virtue "received its most persuasive expression in Cato's Letters. (p. 19) It would seem that Diggins didn't bother to read the Letters, relying instead on Pocock's interpretation of them.

[6] For a discussion of Sidney's influence on Trenchard and Gordon see Caroline Robbins, "Algernon Sidney's Discourses Concerning Government: Textbook of Revolution," The William and mary Quarterly 4, No. 3 (July 1947): 267-

In addition, virtue and corruption are two of Cato's most popular terms, appearing throughout all four volumes of the Letters. A closer analysis of Cato's Letters, however, leads to the conclusion that they can be solidly located within the natural law tradition of Locke.

In chapter one I shall outline Pocock's civic humanist paradigm and show how he applies it to the language of political discourse in the late seventeenth and early eighteenth century England. In chapter two I will frame the rival liberal or Radical Whig paradigm, the intellectual foundations of which are provided by the ideas of John Locke and Algernon Sidney.[296] In chapter three I examine the lives and publishing careers of Trenchard and Gordon, and locate their activities within the context of eighteenth-century pamphlet literature, and the issues that led to the writing of Cato's Letters. Finally in chapter four I will provide a textual analysis of the Letters, both to demonstrate how Pocock has misread them, and how they might better be interpreted.

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296. I shall argue that Sidney is better placed in the liberal or Radical Whig tradition than in the civic humanist tradition.

Chapter I

The Civic Humanist Paradigm

The writing of J.G.A. Pocock has been characterized, by its detractors as "sacrificing concrete historical knowledge to the abstract verification of ideological hypotheses,"[1] and as deploying a structuralist methodology that obscures real historical entities.[2] To those more sympathetic to his work--both his conclusion and his theoretical apparatus--Pocock is one of the more stimulating and original historians of western political

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[1] Cesare Vasoli, "The Machiavellian Moment: A Grand Ideological Synthesis," Journal of Modern History 49 (December, 1977): 670. The ideology he is accused of favouring has a conservative, neo-classical flavour that subverts Marxist categories, among others. Interestingly, Pocock reports that he has also been accused of writing Whig history, retaining the idea of progress but substituting the language of civic humanism for that of liberal constitutionalism. For his reply to this sort of criticism see chapter 8 of J.G.A. Pocock, Politics, Language, and Time. Essays on Political Thought and History (New York: Atheneum, 1973); and , more importantly, J.G.A. Pocock, "The Machiavellian Moment Revisited: A Study in History and Ideology," Journal of Modern History 53 (March, 1981): 49-72.

[2] John H. Geerken, "Pocock and Machiavelli: Structural Explanation in History," Journal of the History of Philosophy XVII, No. 3 (July, 1979). It is not surprising given his concentration on language and linguistic structures, that Pocock would be charged with being a secret structuralist. While this point may have some validity, his would be a structuralism of such an extraordinary sophistication that much of the traditional criticism either would not apply or would be severely qualified.

thought.[3] Together with Quentin Skinner and John Dunn, the leading advocates of what has been termed the Cambridge School or Cambridge Paradigm, he has helped to revivify the writing of intellectual history in the English speaking world. More important, for the purpose of this thesis, is Pocock's iconoclastic interpretation of seventeenth and eighteenth century Anglo-American political thought. What I intend to do is explicate Pocock's primary theoretical concerns--how he applies them first to Florentine political thought--followed by a longer discussion of what Pocock calls the Atlantic Republican tradition.

Pocock's analysis of the language of political debate relies heavily on the analysis of language.[4] This type of

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[3] More favorable, but critical, reviews of his work can be found in Iain Hampsher-Monk, "Political Languages in Time: The Work of J.G.A. Pocock," British Journal of Political Science 14, pt. 2 (1984): 89-116; J. H. Hexter, "Republic, Virtue, Liberty, and the Political Universe of J.G.A. Pocock," in J.H. Hexter, On Historians: Reappraisals of some of the makers of modern history (Cambridge, Massachusetts: Harvard University Press, 1979), pp. 255-303; and Peter L. Janssen, "Political Thought as Traditionary Action: The Critical Response to Skinner and Pocock," History and Theory XXIV, No. 2 (1985): 115-146. Hampsher-Monk's article also contains a complete list of the work Pocock has published up to 1982.

[4] Pocock has not published much that is strictly theoretical, preferring to incorporate his theoretical reflections into his historical work. See chapters 1 and 7 of Pocock, Politics, Language and Time; J.G.A. Pocock, "Political Ideas as Historical Events: Political Philosophers as Historical Actors," in Political Philosophy and Political Education, ed. M. Richter (Princeton, N.J.: Princeton University Press, 1980); and J.G.A. Pocock, "The History of Political Thought: A Methodological Enquiry," in Philosophy, Politics and Society, second series, ed. Peter Laslett and W.R. Runciman (Oxford:Basil Blackwell, 1962),

approach is not new to philosophers; indeed it has influenced Anglo-American philosophy for much of this century, but the possibilities inherent in the investigation of language for the writing of history have only recently begun to be explored.[5] To Pocock linguistic analysis is a tool by means of which the history of political thought can be liberated from the constraints of mere systematization.[6] Previously there existed an unbalanced relationship between history and philosophy wherein

> the history of political thought was treated as the study of a traditional canon, and the conversion of tradition into history was . . . conducted by the methods of philosophic commentary on the intellectual contents of the tradition, arbitrarily defined as philosophy.[7]

In its place Pocock proposes textual analysis, that is much more sensitive to historical context, which would involve the contextual recovery of the different languages, modes of discourse, vocabularies, and ideologies implicit in the text. This approach not only allows the identification of different levels of meaning but helps to

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are useful, brief statements of his theoretical interests.

[5] See John E. Toews, "Intellectual History after the Linguistic Turn: The Autonomy of Meaning and the Irreducibility of Experience," American Historical Review 92 (1987): 879-907 for an assessment of the work currently being produced in the intellectual history of both Britain and continental Europe.

[6] Pocock, Politics, Language and Time, p. 12.

[7] Ibid., p. 5.

identify the connection between the language of discourse and the political system. Thus Pocock makes the claim that one can now distinguish between the words an author used (as the reader understands them) and what the author meant (what meanings the words conveyed when written); what differing audiences understood the author to mean and for whom or against whom the author was writing. Meaning is bound up in time and language and not discoverable in an ahistorical textual analysis.

Pocock's approach is strongly influenced by Thomas Kuhn's The Structure of Scientific Revolutions[8]. Indeed he has written that the history of political thought "might be defined as a history of change in the employment of paradigms, the exploration of paradigms and the employment of paradigms for the exploration of paradigms."[9] The publication of Kuhn's book in 1962 had far reaching influence not only on philosophers concerned with the nature of science, but on practicing historians and social scientists as well.[10] Kuhn distinguished between normal science and revolutions in science. Normal science consisted of the everyday activity of scientists working

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[8] Thomas S. Kuhn, The Structure of Scientific Revolutions, 2d ed., International Encyclopedia of Unified Science 2, No. 2 (Chicago: University of Chicago Press, 1970).

[9] Pocock, Politics, Language and Time, p. 23.

[10] See David A. Hollinger, "T. S. Kuhn's Theory of Science and Its Implications for History," American Historical Review 78, No. 2 (April, 1973): 370-393.

within a clearly defined, common theoretical system which is effectively closed to ideas that call that system into question. Real revolutions in science occur not because scientific theories are shown to be false but because forces exogenous to science cause changes in the theoretical system. During such periods of revolution scientists replace their theoretical paradigms.[11]

Pocock borrows from Kuhn's notion of scientific paradigms when he states

> Men think by communicating language systems; . . . The individuals thinking may now be viewed as a social event, an act of communication and of response within a paradigm-system, and as a historical event, a moment in a process of transformation of that system and of the interacting worlds which both system and act help to constitute and are constituted by.[12]

The paradigm Pocock is most interested in is that of civic humanism, a style of thought that originated during the Renaissance. It contends that individual self-fulfilment

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[11] The implication of Kuhn's conception of the scientific community, according to his critics, are that scientific change is based on irrational foundations, - the scientific community is a closed, rather than an open society; and that its members are overspecialized, ignorant of each others work. See the essays by K.R. Popper and P.K. Feyerabend in Criticism and the Growth of Knowledge, ed. Imre Lakatos and Alan Musgrave, Proceedings of the International Colloquim in the Philosophy of Science, London, 1965 (Cambridge: Cambridge University Press, 1970).

[12] J.G.A. Pocock, Politics, Language and Time, p. 15. The scholarly community to which historians belong, Pocock claims, will be more open than that of scientists, because the language they use (that of everyday life) is used for a variety of purposes, and can reveal an almost infinite number of meanings.

is possible only when the individual acts as a citizen, as a "conscious and autonomous participant in an autonomous decision-taking political community, the polis or republic."[13] The fulfillment of the civic humanist's moral and rational nature depended on his ability to participate in the political process within a particularized and secular framework. While the doctrine of civic humanism is featured in most of Pocock's work, its most thorough exposition occurs in The Machiavellian Moment[14].

* * *

The Machiavellian Moment is a long and difficult book about political languages, their transmission, how they change over time, and how they eventually attain paradigmatic status. The book is divided into two parts; the first part consists of an account of Florentine thought in the era of Machiavelli, and the second an analysis of the transference of the Florentine, civic humanist vocabulary to seventeenth century England. Machiavelli, Guicciardini, and the Aristotle of the Politics and Rhetoric are the most important figures in the first part of the book; Machiavelli because of the innovative way he manipulated the different vocabularies available to

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[13] Ibid., p. 85.

[14] J.G.A. Pocock, The Machiavellian Moment. Florentine Political Thought and the Atlantic Republican Tradition (Princeton, NJ: Princeton University Press, 1975).

Renaissance man, Guicciardini because of the conservative way he used them, and Aristotle because of the corpus of political ideas that were recoverable once attention was shifted from the Metaphysics to the Politics.

The major epistemological problem faced by Renaissance and late medieval political theorists was inherent in the classical and Christian intellectual legacy they inherited and was primarily a problem concerning time. Pocock states the problem in these terms:

> the late medieval and Renaissance intellect found the particular less intelligible and less rational than the universal; . . . since the particular was finite, it was local both in space and time, so that time became a dimension of its being and consequently shared in the diminished rationality and intelligibility of the particular.[15]

The solution to this riddle was provided by the vocabularies of custom, grace, and fortune[16], vocabularies which were available to, and manipulated by, Machiavelli and Guiccardini when they were seeking solutions to the problems that plagued Florence during their lifetimes.

The language of custom was built around the constitutional history of past republics. The greatest republic of all was Rome, and it was to the history of Republican Rome that the humanists went in order to identify those principles, timeless and universal, upon

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[15] Ibid., p. 4.

[16] Ibid., p. vii.

which Rome had been built and which allowed for the expression of political virtue.[17]. The republic would be "stated as a high ideal but existing in the present and its own past" where it was "affiliated only with other republics and with those movements in past time at which republics had existed."[18]

The republican ideal was viewed as a mode of temporal authority within the framework of grace. This posed the problem of the universals' existence in secular particularity which did not seem to be accommodated by Christianity. The problem could be solved when

> it was found possible to identify moments in the history of civil societies with moments in the eschatological scenario to be derived from the various prophetic books. . . . If the life of civil society, lived forward in time as a succession of unrepeatable experiences, was to find its meaning in the context of sacred history, it would have to be suggested that in the tract of civil history to be explained, prophecy itself was approaching its unique and unrepeatable end.[19]

Pocock identifies this as the Savonarolan Moment in Florentine History.

Fortune and its regularly paired opposite, virtue, possessed Roman, Platonic, and Christian connotations. Fortune had the meaning of luck and to a lesser extent

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[17] Ibid., p. 181; Mark Hulliung, Citizen Machiavelli (Princeton, NJ: Princeton University Press, 1983), pp. 49-56.

[18] Pocock, The Machiavellian Moment, p. 53.

[19] Ibid., p. 44.

chance, but came to symbolize the irrationality of history as it must be if God and his providence did not exist.[20] Virtue was the quality that allowed one to withstand ill fortune but the Christian and Platonic conception of the term was philosophic and contemplative, an heroic fortitude rather than an active capacity that shaped the circumstances thrown up by fortune. The political or positive conception of virtue shaped fortune, the circumstantial insecurity of political life, "into the completed form of what human life should be: citizenship and the city it was lived in."[21] The term virtue is important to an understanding of civic humanism, and Pocock summarizes the meaning of virtue as

> first, the power by which an individual or group acted effectively in civic context; next, the essential property which made a personality or element what it was; third, the moral goodness which made a man, in city or cosmos, what he ought to be.[22]

The doctrine of civic humanism was the result of the union of the language of custom, grace, and fortune with the Aristotelian theory of the polis. Aristotle held that

> every human activity was value-oriented in the sense that it aimed at some theoretically identifiable good; that all value-oriented activity was social in the sense that it was pursued by men in association with one another; and that the polis or republic was the

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[20] Ibid., pp. 36-47.

[21] Ibid., p. 41.

[22] Ibid., p. 37.

> association within which all particular associations pursued their particular ends. Association with others, and participation in the value-oriented direction of that association, formed both a means to an end and an end--or good--in itself; . . . the highest conceivable form of human life was that of the citizen who ruled as head of his oikos or household, and ruled and was ruled as one of a community of equal heads making decisions which were binding on all. . . . Citizenship was a universal activity, the polis a universal community. [23]

The problem posed by Aristotle was the question of how to avoid a situation in which any group was able to exercise an unshared power over the whole,[24] a problem of critical significance because it was the pursuit of particular goods as an individual that made one a citizen but it was only through a concern for the common universal good that one's citizenship could persist.

Fortune, the adversary of virtue, would be supplemented by the terms fantasia and corruption. Fantasia is defined as "a nonrational creative force immanent in men, by which each is driven to fulfill his own individuality." It is "a self-created uniqueness of bent, in pursuing which each man acts out his fantasies and determines his individual personality."[25] Corruption is fantasia expressed in political terms; that is, the replacement of the public by the private, the pursuit of

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[23] Ibid., p. 67-68.

[24] Ibid., p. 71.

[25] Ibid., p. 96.

individual goods rather than the public good.[26] It can be used to identify a state of moral disintegration as well as one of institutional decay, and was used in both senses by the civic humanists. Only virtue as an attribute available to all citizens in a polis could effect a balance between the public and the private that would result in the establishment of reason and of virtue.[27] Corruption could be avoided through the establishment of a republic based on a mixture of the monarchical, the aristocratic, and the democratic elements of the polis.

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In Part II of the Machiavellian Moment, Pocock describes how civic humanism entered and eventually flourished in England. Indeed, much of Pocock's effort since the publication of this book in 1975 has been devoted to discussing the historical importance of civic humanism to Augustan political thought. I now intend to outline Pocock's conception of how what was primarily a Renaissance language of political discourse, the language of civic humanism, was accepted in a country with constitutional, legal, and religious traditions far removed from those of Renaissance Italy.

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[26] Ibid., pp. 93-97.

[27] Ibid., pp. 156-204.

Pocock contends that the civic humanist paradigm requires the presence of all three modes of civic consciousness. Two of these modes he identifies as already existing in seventeenth-century England: that of grace in the doctrine of the Elect Nation, and that of custom in the ideology of the Ancient Constitution. The doctrine of the Elect Nation as that idea of a nation whose people were chosen by God for particular divine attention, entered British political thought in the 1640's, and serves as the seventeenth-century counterpart of the Savonarolan Moment of fifteenth-century Florence. This mode of civic consciousness in England was a means to conceptualize a public realm "at once secular and godly, in which the individual, at once saint and Englishman, is to act."[28] The universal saint has been transmuted into an Englishman:

> The Elect Nation--England seen as occupying a moment and possessing a dimension in sacred history--was a theatre of action, and the individual was by its structure defined--as 'God's Englishmen' rather than simple 'saint'--as acting a role therein."[29]

Pocock concedes that this doctrine underwent a sharp decline after 1660, when Harrington secularized God's Elect.[30] Pocock notes a further parallel between de facto theory, that is, the theory that holds that the right to

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[28] Ibid., pp. 337.

[29] Ibid., pp. 344-345.

[30] Ibid., pp. 399, 403.

rule emanates from the power to rule, and the "moment of apocalyptic grace" identified with Cromwell the prince-legislator-prophet and the New Model Army.[31] De facto theory holds that every government might be traced to a time when it was founded on force;[32] this theory would be used by many Tories after the Glorious Revolution to justify allegiance to the government. Pocock writes that the "de facto argument heightened the importance of some elements of Machiavellianism; the prince, the legislator, and the cycle can be observed emanating, so to speak, from the moment of the sword; . . . " Moreover,

> the classical republic made its appearance in English thought as an activist ideal, at a point where the de facto 'moment of the sword' came into contact with the radicalism of the army, whose half-realized revolution had precipitated the conceptual and political problem in this form."[33]

The seventeenth-century English counterpart of the Florentine language of custom is the doctrine of the Ancient Constitution, which had a long history in England, and which figured prominently in the consitutional debate surrounding the Exclusion Crisis. This doctrine was still very much alive at the end of the eighteenth century in the

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[31] Ibid., pp. 375-379.

[32] J.P. Kenyon, Revolution Principles. The Politics of Party 1689-1720 (Cambridge: Cambridge University Press, 1977), pp 21-35.

[33] Pocock, The Machiavellian Moment, p. 380.

political thought of Edmund Burke.[34] Pocock identifies it in these terms:

> all English law was common law, common law was custom, custom rested on the presumption of immemoriality; property, social structure, and government existed as defined by the law and were therefore presumed to be immemorial. . . . We can characterize it as a mode of civic consciousness particularly appropriate to a gentry asserting itself in parliament, in litigation, and in the local administration of the common law . . . . It was, unmistakeably and post-medievally, a species of civic consciousness. It defined, in traditional terms, a public realm and a mode of action therein.[35]

Relying as it did on tradition, the doctrine of the Ancient Constitution was often invoked by the land owning classes who saw in it traditional support for their rights and privileges against those without property.[36]

The language of fortune and by implication the language of virtue comprised the necessary third component of the civic humanist paradigm. In 1642 Charles I delivered His Majesty's Answer to the Nineteen Propositions of Both Houses of Parliament, in which he claimed that the English Government rested on three foundations: the monarch, the nobility and the people. All three had to be balanced in order to maintain the health of the commonwealth.[37] It was Charles' observation that the second of these two groups,

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[34] Pocock, Politics, Language and Time, pp. 202-232.

[35] Pocock, The Machiavellian Moment, p. 340.

[36] Ibid., p. 365.

[37] Ibid., p. 362-363.

the nobility, had now become so powerful that the balance of authority was tilted in their favour to the detriment of the people. Government was thus being thrown to the winds of fortune, where it could no longer be considered as a "direct emanation of divinely or rationally enjoined authority"[38] and was therefore in need of the active guidance of a man inspired by prudence.

The paradigms of grace and custom were restated as a consequence of the political crisis engendered by the Civil War. The hierarchical, timeless ideal of medieval kingship ended as the theory of the mixed constitution was blended into the ideology of the ancient constitution "in order to naturalize there the Polybian and Machiavellian doctrine of the republic."[39] According to Pocock the first sustained English exposition of republican democracy, in Machiavellian as well as classical terms, was made in 1650 by Marchmont Nedham, editor of Mercurius Politicus. The true moment of "paradigmatic breakthrough" however, occurred with the publication of James Harrington's Oceana in 1656.[40] This constitutes the first full expression of civic humanism in seventeenth-century England.

Harrington has variously been regarded as the

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[38] Ibid., p. 362.

[39] Ibid., p. 365.

[40] Ibid., pp. 382-384.

conscience of the declining gentry[41] or as the spokesman of a rising class of bourgeois entrepreneurs who viewed real property as a commodity to be bought and sold in the marketplace.[42] As such Harrington has been accorded a position of secondary philosophical importance in the history of political thought, between the two giants of possessive individualism, Hobbes and Locke. Pocock offers a radically different interpretation of Harrington, according him a place of far greater historical significance in English political thought than Locke.[43] However important Locke might be as a philosopher, Pocock argues his influence on political thought is not significant until after 1750.

The civic humanist doctrine, born and nurtured in Italy in the fifteenth century, in full bloom in Florence during the first quarter of the sixteenth but in hibernation ever since, managed to gain a toehold in England during the political upheaval of the mid-seventeenth century. The publication of Oceana, according to Pocock, was the first step toward its becoming the dominant political paradigm, shouldering aside all its

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[41] H.R. Trevor-Roper, "The Gentry, 1540-1640," Economic History Review Supplement 1 (1953).

[42] This is the position of C.B. MacPherson, The Political Theory of Possessive Individualism. Hobbes to Locke (Oxford: Oxford University Press, 1962), pp. 160-193.

[43] Pocock, Politics, Language and Time, pp. 104-147.

competitors and thereby diminishing the historical dimensions of classical liberalism.

Pocock's interpretation of Harrington, of course, is based on an analysis of the language Harrington uses, not on Harrington's place in the hierarchy of seventeenth-century England. He sums up Harrington's purpose in writing Oceana as

> first, to argue against any return to the traditional "ancient" or "balanced" constitution by showing that it had rested on foundations which had always been insecure and were now swept away; second, as the occupant of what we may term a post-Savonarolan moment, to show that this transcendence of ancient use and custom was rather a secular than an apocalyptic process. . . . For the first purpose, he constructed a civil history of the sword, based on Machiavellian theory which depicted the possession of arms as crucial to both the distribution of power and the exercise of civic virtue; for the second, he developed a theory of citizenship which, in conjunction with the first group of arguments, showed the Englishmen as citizen and the English republic as standing nearer to God than any oligarchy of self-selected saints.[44]

Harrington was one of the first to hold that the possession of arms was necessary to political personality and that this could only be based upon the possession of freehold private property. Only a democracy of freeholders, a category Machiavelli did not identify, was capable of unfettered public action or civic virtue.[45] A balanced and self-stabilizing government was possible only in such a

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[44] Pocock, The Machiavellian Moment, p. 385.

[45] Pocock, Politics, Language and Time, p. 110.

commonwealth. Government becomes corrupt when "the distribution of political authority was no longer properly related to the distribution of property that should determine it."[46] Hence, the mere presence of the Ancient Constitution was not sufficient to maintain English liberties. Pocock writes of Harrington that he

> was able to organize history around the distribution of property; but at bottom his theory of history is simple, binary and cyclical. The oikos exists in sufficient numbers, or it does not. In the ancient republics it existed in the form of the yeomen smallholding of the citizen warriors; then it was overcome by the feudum; now it is restored in the shape of the yeoman or gentleman freehold, and military and political capacity are restored with it.[47]

The Ancient Constitution could not bring peace or order to England because its form was inherently unstable. In such a system social power lay in the hands of an aristocracy but it was a fluid, natural aristocracy of personality and property. Ideally there should be a constant rotation of office; any citizen could hold office and just as easily return to private life. Factions were unlikely to form because the people could and would recognize those most deserving of holding public office and would naturally defer to them. Pocock states that for Harrington

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[46] Pocock, The Machiavellian Moment, p. 387.

[47] J.G.A. Pocock, Virtue, Commerce, and History. essays on Political Thought and History, Chiefly in the Eighteenth Century (Cambridge: Cambridge University Press, 1985), p. 106.

> property brings power: the power of masters over servants, the power of masters over themselves; but whenever fortune has brought about the existence of a sufficient number of masters, these may leave the domain of power and enter that of authority. Authority is not distributed by property, but by the free masters' recognition of one another's political capacity; . . .[48]

Oceana is thus a theoretical exposition of the course of English history, its problems and their solution.

According to Pocock Machiavellian and Harringtonian republicanism emerged as particularly appropriate to the parliamentary monarchy of England in 1675. In that year the Earl of Shaftesbury published his A Letter From a Person of Quality to His Friend in the Country.[49] Its purpose was to expose the machinations of Charles II and a clique at the court who were thought to be attempting to erect a system of continental absolutism on the people of England. Pocock considers it an important document because after its publication the ideas of fortune become, once and for all, ideas of historical corruption.[50] This is an important innovation according to Pocock because

> the capacity of Western men to understand history presented itself in the form of an acute and growing awareness of the potential quarrel between value and history, virtue and history, personality and history; and the growth of theories of progress during the eighteenth century is not to be understood without

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[48] Ibid.

[49] While this work was written by the Earl of Shaftesbury, it is possible that Locke was the co-author.

[50] Pocock, The Machiavellian Moment, p. 406-408.

> understanding of this counterpoint. Such was to be the final contribution of the classical image of man as finding his fulfillment in citizenship. A romantic theory of personality was the necessary response.[51]

An understanding of history and of "the material and moral conditions necessary to the commonwealth in which virtue was possible" meant that "the problem now seemed to be legislative and political--could these conditions be established, and if so could they be maintained?--and to admit of answers in material and moral, rather than voluntarist or charismatic, terms."[52]

The corruption that Charles II was accused of took the form of actively attempting to corrupt the constitution through the formation of a "Court" party in the House of Commons by the use of patronage, places, and pensions. He was also accused of promoting the establishment of a standing, professional army that could be used to promote the interests of papists and the erection of a slave monarchy. Placemen could not perform their parliamentary duties as independent representatives of the people because they were dependent on those who provided them their places. The elimination of corruption thus came to be associated with a Country program of the elimination of placemen, the cry of "no standing armies," and frequently elected parliaments. According to Pocock an intimation of

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[51] Ibid., p. 402.

[52] Ibid., p. 405.

the theory of the separation of powers, so important in the eighteenth century, can be noticed in this reworking of the theme of the balanced constitution according to which the Houses of Parliament work together in the interests of the people, with the sovereign approving and implementing their recommendations.[53]

The evolution of the balanced or mixed constitution into government based on an institutional separation of powers has important consequences for Pocock. A critique of patriarchalism was an important part of the Whig doctrine as it was formulated between 1675 and 1688. James Tyrrell, Locke, and Algernon Sidney all included substantial attacks on Filmer in their writings. Pocock contends that these attacks were anachronistic because the time had long since passed when the institutional foundations of monarchy could be realistically subjected to such criticism. It was now but one of three powers. He concludes:

> The polemic against patronage and corruption was an attack upon modern government, that against prerogative and patriarchalism was an attempt to bury the past; yet it was the former that entailed the language of classical republicanism, the latter that enlisted the services of Locke. The amalgam which was Whig ideology in the eighties disintegrated during the decade following the Revolution; and the neo-Harringtonian thesis became an instrument of

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[53] Ibid., pp. 407-411.

radical reaction in an era of devastating economic change.[54]

The attack on patriarchalism and prerogative may, indeed, have been an attempt to bury the past but it was a past that was certainly very much alive after the Revolution. J.P. Kenyon has delineated the form Tory principles took after the Revolution and has provided evidence of their popularity. He states that "it was Filmer, not Hobbes, Locke, or Sidney, who was the most influential thinker of the age" and that "patriarchalism survived the Revolution, and the assaults of Locke and Sidney, with little apparent damage, and under Queen Anne Filmer even enjoyed something of a revival."[55] After examining the pamphlets on the Allegiance Controversy, Mark Goldie concludes "that neither the traditional tenets of toryism nor whiggism were submerged in the Revolution."[56] Some Augustan writers did consider absolutism a potential and very real threat. The authors of Cato's Letters are among them as I hope to make clear in chapters three and four.

The half-century following the Revolution of 1688 is notable for the changes that occurred in government and in

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[54] Ibid., p. 422.

[55] Kenyon, Revolution Principles, p. 63.

[56] Mark Goldie, "The Revolution of 1689 and the Structure of Political Argument: An Essay and an Annotated Bibliography of Pamphlets on the Allegiance Controversy," Bulletin of Research in the Humanities 83 (1980): 484.

thinking about economics. The last chapter in the history of civic humanism in England is about the civic humanist response to these developments. The powers of the sovereign were in the process of being newly defined, primarily because of William's perpetual need for funds to pursue his wars with France. The Civil List Act of 1697 granted an independent income of £700,000 to the Crown but Parliament assumed responsibility for the military and the national debt. Parliament was required to meet at least once every year and, until the passage of the Septennial Act in 1716, could not last longer than three years. The Act of Settlement in 1701 stipulated that, should William and his sister-in-law die without heirs, the throne would pass to the House of Hanover and its Protestant descendants. It also required that the sovereign be a member of the Church of England and seek parliamentary approval to leave England or make war to protect foreign possessions.[57]

The structure of politics also changed. The old Whig and Tory coalitions that were formed during the Exclusion crisis needed to be redefined after the Revolution. Many members of both sides became Trimmers, pragmatically moderating their views. Many Tories were able to reach an ideological accommodation with the majority of Whigs who support the Revolution settlement. Those who couldn't went

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[57] Neville E. Williams, The Eighteenth-Century Constitution 1688-1815 (Cambridge: Cambridge University Press, 1977), pp. 26-56.

into opposition with the more radical Whigs, and Caroline Robbins' eighteenth century commonwealthmen.[58] To the extent that one could still speak of Tory and Whig it seems that they had switched programs. J.H. Plumb describes their programs this way:

> Between 1690 and 1710 the Tory Party acquired a recognizable persona, based largely on the independently-minded squire's idea of himself. The Tory, apart from public issues, stood for free and frequent elections, sharp punishment for bribery and electoral corruption, low taxation, financial rectitude, accountability to Parliament, the exclusion of all place-holders, and a sound land qualification for Members. They also had a reluctance to large-scale Continental war and an aversion to Dissent; if the Hanoverians succeeded, then they were to be the prisoners of Parliament, or rather the Commons. . . .
>
> In opposition to this, the Whigs had become much more closely identified with both aristocracy and government. They were committed to full-scale war and preoccupied by methods of financing it. Their smaller numbers gave them greater cohesion and their electoral disadvantages give them a far keener interest in the exploitation of patronage and the manipulation of boroughs. Their only hope of success lay in alliance with the power of the Court and the Treasury.[59]

This interpretation holds true for the reigns of William

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[58] Caroline Robbins, The Eighteenth-Century Commonwealthmen. Studies in the Transmission, Development and Circumstance of English Liberal Thought from the Restoration of Charles II until the War with the Thirteen Colonies (Cambridge Massachusetts: Harvard University Press, 1959).

[59] J.H. Plumb, The Growth of Political Stability in England 1675-1725 (London: The Macmillan Press Ltd., 1967), pp. 151-152.

and Mary, but the parties seem to be divided on Court - Country lines after 1714.[60]

Two important changes in economic thinking can be identified as occurring between 1696 and 1713. A new economic policy took shape which subordinated the interests of English merchants to those of English manufacturers,[61] and a system of public borrowing developed, with the incorporation of the Bank of England in 1694 serving as the engine of the system. Joyce Appleby has delineated the arguments for capitalism and the free market that were made during the seventeenth century but she concludes that

> The exploration of self interest that had played so seminal a role in economic analysis earlier ceased, giving way to platitudinous references to national interests.[62]

A mechanism for securing public credit made it much easier to pursue these goals, and there was no shortage of men in England willing to fund the public debt.

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[60] H.T. Dickinson, Liberty and Property. Political Ideology in Eighteenth-Century Britain (London: Weidenfeld and Nicholson, 1977), p. 92. For recent studies of the structure of political parties in Augustan England that disagree with Plumb's conclusions see: J.C.D. Clark, "A General Theory of Party, Opposition and Government, 1688-1832," Historical Journal 23, No. 2 (1980): 295-325; and Linda Colley, In Defence of Oligarchy (Cambridge: Cambridge University Press, 1982).

[61] P.G.M. Dickson, The Financial Revolution in England. A Study in the Development of Public Credit 1688-1756 (London: Macmillan and Company Ltd., 1967), pp. 3-14.

[62] Joyce Oldham Appleby, Economic Thought and Ideology in Seventeenth-Century England (Princeton, NJ: Princeton University Press, 1978), p. 250.

The final expressions of civic humanism, according to Pocock, occurred in England during the "paper war" surrounding the standing army controversy of the Tory ministry under Queen Anne, and the publication of Bolingbroke's attack on the policies of the Walpole administration in the Craftsman.[63] However, in America it enjoyed its final, and perhaps greatest moment, during the Revolution. Pocock writes:

> the American Revolution and the Constitution in some sense form the last act of the civic Renaissance, and that the ideas of the civic humanist tradition--the blend of Aristotelian and Machiavellian thought concerning the zoon politikon--provide an important key to the paradoxes of modern tensions between individual self-awareness on the one hand and consciousness of society, property, and history on the other.[64]

The neo-Harrington paradigm[65] of balanced government, frugal independent freeholders, and a civic militia met the challenge of the state's new ability to maintain larger and more permanent armies and bureaucracies, and of the expansion of trade, in a by now familiar way. Its advocates invoked a past of heroic, civic virtue and a present of moral and institutional corruption. The Augustan's awareness of himself as a self-conscious

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[63] Pocock, The Machiavellian Moment, p. 426.

[64] Ibid., p. 462.

[65] For a critique of Pocock's interpretation of the neo-Harringtonians see Jesse R. Goodale, "J.G.A. Pocock's Neo-Harringtonians: A Reconsideration," History of Political Thought I, No. 2 (June 1980): 237-259.

historical actor contending with the contingency of time, however, meant political and social expression would take the form of a dialectical competition, and accommodation between ideas of classical virtue and the ideas of commerce.[66]

Pocock contends that commerce and credit were conducive to the spread of luxury, a generic term for culture, leisure and choice.[67] By the term commerce he means the acquisition and speculation in those forms of property that were mobile: "government office, government stock, and government expectations to which the National Debt had mortgaged futurity." Real Property is the term he uses for land and exchangeable commodities (trade) and it is this type of property in which the civic personality is grounded.[68]

Luxury made private choice and a private life inevitable because the acquisition of culture, made possible by the commercial creation of wealth, necessitated the cultivation of manners or personality through a selection of private, not public ends. Pocock views this as the most difficult of the problems of eighteenth-century social thought because it "opened up the problem of the

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[66] Ibid., pp. 423-461.

[67] Ibid., p. 431.

[68] Pocock, Virtue, Commerce, and History, pp. 68-69.

diversity of human satisfaction."[69] Professional bureaucrats or soldiers were available, through the use of public funds, to do the work that was once the civic responsibility of the autonomous individual. This freed the individual to pursue whatever goals he chose, a direct challenge to the principles upon which the republican personality was based.

The critical response to this came from two different interests, but both made use of the language of Machiavelli and classical republicanism.[70] Spokesmen for the Tory-Country interest, such as Swift, suggested that a return to the principles in which the civic personality was originally grounded was the best cure for the corruption of the modern age. The Whig-Court writers tried to reach an accommodation with modernity, using the language of Machiavelli, by claiming that it was the pursuit of private passions, interests, or vices that promoted the public good. Pocock writes:

> Credit is now being translated into virtue, in the entirely moral and societal sense of that word. . . . The ideological thrust was constantly toward the absorption of stockjobber into merchant: the rentier, who frightened social theorists, into the entrepreneur, who did not. Virtue was now the cognition of social, moral and commercial reality, and everything possible had been done to eliminate the element of fantasy and

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[69] Pocock, The Machiavellian Moment, p. 431.

[70] Ibid., p. 446.

fiction which had seemed so subversive of property and personality.[71]

Though Addison and Defoe did not disagree with the Tories that land was not substantially what it was, the foundation of social and political stability, their conclusions about the civic value of commerce entailed overcoming a logical difficulty. How could a universal sense of personal morality, not social morality, be expressed in language not based in reason but passion, the modern equivalent of Renaissance fortune, which by definition would only apprehend particular values. Pocock concludes that the conditions of British politics in the eighteenth century "with their sharply defined interdependence between Court and Country" necessitated a reconciliation, with both sides making concessions to the other, of the ideas of classical republican virtue and ideas of modern commercial virtue.[72]

According to Pocock the authors of Cato's Letters, John Trenchard and Thomas Gordon, used a combination of both ideas to diagnose the state of national corruption revealed by the bursting of the South Sea Bubble. He states that "Cato" uses an "unmistakably Machiavellian and neo-Harringtonian critique of corruption and of the republic which is its opposite; and he specifically declares that

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[71] Ibid., p. 456.

[72] Ibid., pp. 465-467.

England (or Britain) is a republic, of that peculiarly happy kind which has a king as its chief magistrate."[73]

Property and power need to be equally distributed, and the balance needs to be restored between property, crown, and parliament, which has been upset by commerce and credit. Cato, Pocock argues, does not advocate a return to the conditions of an ideal, agrarian past but desires an accommodation with commerce. Men might be governed by passion, not principle, but passion could be directed to the public good. Corruption is the failure to do this.[74] Unfortunately, England's current constitutional status as a limited monarchy ensures an unequal distribution of property because "there exists a powerful nobility and a beneficed clergy, both of whom depend upon the patronage of the crown for the wealth and influence which bring other men into dependence on them."[75] The best that could be hoped for would be a balance between liberty and corruption that would "ensure liberty and private virtue and prevent the worst ravages of corruption and fantasy."[76]

Pocock's final identification of civic humanism in Cato's Letters is the contention that the anti-clericalism

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[73] Ibid., p. 468.

[74] Ibid., pp. 470-472.

[75] Ibid., p. 473.

[76] Ibid., p. 474.

of Cato is an example of the deism of Trenchard and Gordon.[77] Men of Virtue conduct their own worship, they do not need intermediaries who wield enormous power which is used to corrupt the individual because it is based on superstition and priestcraft, species of fantasy not of virtue.[78] Civic religion, conducted in the open, not in private, where it can be coordinated to correspond to the public good is the ideal to be pursued.

The purpose of this chapter has been to give an exposition and explication of the civic humanist paradigm, as it has been reconstructed by Pocock and to show how he tries to extend it to cover English political thought and make use of it as a means of interpreting Cato's Letters. The next chapter consists of an exposition of the rival Radical Whig Paradigm.

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[77] Ibid., p. 476.

[78] Ibid., p. p. 474.

Chapter II

The Radical Whig Paradigm

As we have seen, J.G.A. Pocock claims that the ideas and the language of Renaissance civic humanism gave shape to the vocabulary of politics in England. Between 1642 and 1675 he notes this language had permeated English politics to such an extent that they constituted the dominant mode of political discourse between the Revolution of 1688 and that of 1776. Pocock also claims that the ideas of the Radical Whigs[1] of the Exclusion generation, principally John Locke and Algernon Sidney, were not used as a model by Augustan social critics for understanding and making judgments about politics and society. Rather, he claims that these ideas were a specific response to a particular crisis and did not significantly disrupt the continuity of civic humanism in England. Before we can test the accuracy of Pocock's claims and whether or not they apply to Trenchard and Gordon, it is necessary to give an account of the "Radical Whig paradigm."

According to Pocock, the civic humanist ideal, with its supporting concepts of custom, grace, and fortune, rests on the notion that man is naturally a political

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[1] By Radical Whig I mean those Whigs who regarded man as possessed of inherent rights and the state as existing to protect these rights, deriving its authority from consent.

being. In order that man might achieve this natural fulfillment the civic humanists held that government must be a balance of several elements, and that it was the duty of all men to participate in the maintenance of this balance through the subordination of one's private interests to those of the public. Virtue is the quality one exhibits when acting in such a manner. In neo-Harringtonian terms, balanced government and civic virtue were the result of armed, independent freeholders actively participating in government. Corruption, the opposite of virtue, was occasioned when men allowed others to act for them in the political and military arenas.

The ideas of civic humanism, Pocock claims, achieved paradigmatic status in England after 1688, when they were used by both supporters of the Court and its opponents the Country interests. For the Country Party the civic ideal lay in the past, for the present was a condition of unrelieved corruption in the form of standing or professional armies, the extensive use of placemen, and public credit. In contrast, Pocock argues, the Court interest held that the civic ideal was to be found in the present. They tried to justify government policies by claiming that men were ruled by passion, not reason; therefore, virtue consisted in the constructive management of the passions in present circumstances. Commerce and

credit created wealth, which allowed one the luxury of living a cultivated social life.

The Radical Whig paradigm, which Pocock claims was not a major influence on Augustan political discourse, was the product of an intellectual tradition different from that of civic humanism. The basic premise of this tradition is not that men achieve perfection in a civic context; rather, the Radical Whigs held that a social order exists prior to the establishment of civil society. Men possess natural rights, that are the product of natural law. Natural law, so conceived, posits a condition of natural equality and freedom, which is or ought to be protected by civil authority. The concerns of natural law theorists are thus different from those of the civic humanists; they deal with questions like the following: What is natural law and how is it possible to identify it? What rights and obligations does natural law entail and under what terms was civil government legitimate?

Like civic humanism, natural law theory has a long history. Richard Tuck has identified two great periods of pre-Enlightenment natural rights theorizing. The first occurred between 1350-1450 and was a direct result of the great debate on apostolic poverty as practiced by the

Franciscans, and their great rivals the Dominican order.[2] The result of this debate was that men

> considered purely as isolated individuals, had a control over their lives which could correctly be described as dominium or property. It was not a phenomenon of social intercourse, still less of civil law: it was a basic fact about human beings, on which their social and political relationships had to be posited.[3]

A later, sophisticated elaboration of this position held that the relationship between God and man was a reciprocal one between equals. It was argued that there was a natural covenant between God and man which generated rights on both sides.[4]

Medieval natural rights theorizing rested on extremely fragile foundations and these were swept away by the Renaissance. Humanist lawyers found it all but impossible to talk about natural rights. Humanly constructed law and civil remedies, not natural law and natural rights were important to them.[5] The second great period of theorizing about natural rights occurred after the Renaissance, between 1590-1670.[6] A conception of subjective rights, hinted at in the earlier period, was systematically

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[2] Richard Tuck, Natural Rights Theories. Their Origin and Development (1979; reprint ed., Cambridge: Cambridge University Press, 1987), pp. 20-29.

[3] Ibid., p. 24.

[4] Ibid., p. 30.

[5] Ibid., p. 33.

[6] Ibid., p. 177.

formulated alongside a theory of absolute government. Hugo Grotius provides the best example of this sort of seemingly incompatible union of natural rights and absolutism.[7] This resulted in the creation of a conservative tradition of natural rights alongside a more radical one. The former concludes that the original liberty possessed by members of society is totally alienated and its members are subordinated to an absolute rule; this tradition is best represented in the political theory of Thomas Hobbes. The radical tradition was based on the belief that the state possessed no rights that individuals had not formerly possessed; its most systematic formulation was in the political theory of John Locke. This is the foundation on which Radical Whig thought was built.

John Locke was born in 1632 and died in 1704. Trained as a physician, it was in this capacity that he joined the staff of Lord Ashley, the future Earl of Shaftesbury, in 1667. Locke remained Shaftesbury's trusted advisor and confidant until the latter's death in 1683. It was in Shaftesbury's household that Locke's political education was completed, for there he had the leisure and the opportunity to pursue his interest in political theory and

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[7] Ibid., pp. 58-82.

philosophy, as well as to observe politics from the inside.[8]

Until recently, Locke was regarded as the outstanding philosopher of the revolution of 1688. However, Peter Laslett has shown that the original conception of the treatises was not to justify a revolution which had already taken place; rather, the bulk of the book was intended to demand a revolution yet to be brought about.[9] As well, the First and Second Treatises should not be treated as distinct and separate, but as a substantial part of one work designed to refute the absolutism of Filmer, not of Hobbes.[10] Thus, the Two Treatises should be read within the context of the Exclusion Crisis,[11] which grew out of the attempt of a group of Whigs led by the Earl of Shaftesbury, and their sympathizers to prevent James, the Duke of York, from succeeding to the throne.

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[8] Maurice Cranston, John Locke. A Biography (London: Longmans, Green, and Co., 1957; reprint ed., Oxford: Oxford University Press, 1985), pp. 105-205.

[9] Peter Laslett, Introduction to Two Treatises of Government, by John Locke (1690; reprint ed., New York: Cambridge University Press, 1963), pp. 58-80.

[10] Ibid., pp. 80-92.

[11] See Richard Ashcraft, "The Two Treatises and the Exclusion Crisis: the Problem of Lockean Political Theory as Bourgeois Ideology," in John Locke. Papers read at a Clark Library Seminar, 10 December 1977 (Los Angeles: University of California William Andrew Clark Memorial Library, 1980), pp. 27-114.

Shaftesbury had served in the first two ministries of Charles II but was dismissed from the government after Parliament passed the Test Act of 1673. This bill was designed to exclude dissenters and Catholics from holding civil and military office. A dissenter, Shaftesbury had supported the Declarations of Indulgence issued by Charles II in 1662 and 1672, which relaxed the penal laws against Catholics and dissenters. However, he favoured the Test Act because he believed that Charles and his brother James would staff the government with Catholics as a first step in the attempt to introduce a French-style absolutism in England. Shaftesbury had reason to be fearful because in 1670 Charles had signed the Treaty of Dover with Louis XIV which was thought to contain secret clauses prejudicial to English liberties. It was pro-French, pro-Catholic, and pro-absolutist. As well, Charles was without issue and James, the heir to the throne, was known to be a devout Catholic.

Shaftesbury was able to rally support to exclude James from the throne from a diverse number of disaffected groups, including dissenters, country Members of Parliament, artisans, London radicals, and disillusioned royalists.[12] The revelations of the Popish Plot,[13] a

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[12] Ashcraft contends that the Whig movement during the Exclusion Crisis "must be seen as an antiaristrocracy coalition rather than as the self-directed expression of the 'bourgeoise'."

fictitious Jesuit plot to assassinate Charles, place James on the throne, and slaughter Protestants, caused widespread panic and fear. The turmoil led to the dissolution of the Parliament in 1679, to be followed by the three so-called Exclusion Parliaments, which sought to exclude Catholics from sitting on the throne.

The first Exclusion Bill was introduced in Parliament in 1679, but Parliament was dissolved after the second reading. The second Bill, proposed in 1680, was passed by the Commons but rejected by the Lords. The third was introduced in 1681 at Oxford, a Royalist stronghold where Charles had convened parliament in order to escape from the London mob. Charles' offer of a compromise placated many Whigs and Trimmers, and the Oxford Parliament was dissolved after one week. A revolution was prevented in 1681 and many Whigs, such as Locke and Shaftesbury, had to flee abroad; others, including Algernon Sidney, were imprisoned or executed after the revelations of the Rye House Plot in 1683.[14]

The Whigs were opposed to a Catholic sitting on the throne of England because they had good reason to believe that their religious liberties would be compromised. In

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[13] For the background of the Popish Plot see J.P. Kenyon, The Popish Plot (London: Heineman, 1972).

[14] The Rye House Plot of 1683 was a conspiracy to assassinate Charles II and his brother James as they travelled from the Newmarket races to London past Rye House. The plot aborted but was betrayed to the government.

addition it was assumed a sovereign claiming absolute powers, which they thought inevitable with a Catholic monarch, represented a threat to the individuals' freedom to engage in trade. As is apparent in many of the Exclusion tracts, most Whigs found justification for this position by appealing to the authority of the Ancient Constitution.[15] Whig supporters claimed the constitutional protection of an Englishman's rights antedated the Norman Conquest and that the duty of a sovereign was to protect these rights and respect the privileges of Parliament. One version of this argument held that there were no fundamental constitutional changes resulting from the conquest. Some held to the more radical interpretation--that William I had, in fact, instituted fundamental changes in English government that deprived Englishmen of their ancient rights, rights which ought to be restored, by violence if necessary.

Royalist opponents of the Whigs, like the historian Robert Brady, denied the antiquity of Parliament and argued that the Norman Conquest had given English kings feudal rights over the nation.[16] A later and more important attempt to justify the Royalist position was to be found in

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[15] O.W. Furley, "The Whig Exclusionists: Pamphlet Literature in the Exclusion Campaign, 1769-81," The Cambridge Historical Journal 11, No. 1 (1953): 19-36.

[16] See J.G.A. Pocock, "Robert Brady, 1627-1700. A Cambridge Historian of the Restoration," The Cambridge Historical Journal 10 (1951): 186-204. Brady was also used by those Whigs who argued that William I had instituted fundamental changes in English government.

Robert Filmore's Patriarcha, published in 1680. It fueled an already vigorous debate over the nature and origins of political power and of English political institutions.[17] Pocock states that it was the efficacy of these Tory attacks that led Whig writers, such as Locke, to turn away from appeals to the Ancient Constitution to a more abstract and rationalistic model of politics which relied on natural law, a social contract, and natural rights.[18] Such is the character of Locke's Two Treatises of Government, which, although not published until 1689, constituted the most eloquent and the most radical reply to Filmer. It is also possible that Locke simply thought that the demolition of the premises upon which the arguments in Patriarcha were based would render pointless all further discussion of historical circumstances.

Locke's position on natural law, natural rights, and legitimate government is outlined in the Second Treatise of Government. The state of nature is identified as that condition

> all Men are naturally in, and that is, a State of perfect Freedom to order their Actions, and dispose of their Possessions, and Persons as they

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[17] See Charles D. Tarlton, "The Exclusion Controversy, Pamphleteering, and Locke's Two Treatises," The Historical Journal 24, No. 1 (1981); Furley, "The Whig Exclusionists."

[18] J.G.A. Pocock, The Ancient Constitution and the Feudal Law. A Study of English Historical Thought in the Seventeenth Century (Cambridge: Cambridge University Press, 1987), p. 236.

> think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man.
>
> A State also of Equality, wherein all the Power and Jurisdiction is reciprocal, no one having more than another . . . .[19]

The state of nature is not a state of license for no man can destroy himself or another. Indeed, it has a Law of Nature to govern it,

> which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions. For Men being all the Workmanship of one Omnipotent, and infinitely wise Maker; All the Servants of one Sovereign Master, sent into the World by his order and about his business, they are his Property, whose Workmanship they are, . . . Everyone as he is bound to preserve himself . . . so by the like reason when his own Preservation comes not in competition, ought he, as much as he can, to preserve the rest of Mankind . . . .[20]

The state of nature, then, is one of freedom and equality, and the law which covers it is based on a God given law of nature.[21] One should not harm oneself or another in any

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[19] Locke, Two Treatises, 4. 2-10.

[20] Ibid., 6. 7-25.

[21] John Dunn holds that an extremely high proportion of Locke's arguments are dependant on a series of theological commitments. Of the state of nature he writes, "men confront each other in their shared states as creatures of God without intrinsic authority over each other and without the right to restrict the (natural) law-abiding behavior of others.... The reason why men are equal is their shared position in a normative order, the order of creation. If they infringe the norms of that order, they forfeit their normative status of equality." John Dunn, The Political Thought of John Locke. An Historical Account of the Argument of the 'Two Treatises of

way; indeed, one has a duty to preserve one's fellows because all men are originally the property of God. Every being capable of reason has the power to comprehend the law of nature.

Locke's state of nature is not like that of Hobbes, a war of all against all, but a relatively benign condition where men are free to pursue their interests within the confines of a law available to all men capable of reason. Everyone has the "Executive Power of the Law of Nature" but conflicts between men do arise because "Self-love will make Men partial to themselves and their Friends. And on the other side, that contentious quotation, ill Nature, Passion and Revenge will carry them too far in punishing others."[22] Civil government, the presence of a common judge, is the remedy for the inconveniences of the state of nature. In quitting the state of nature one does not limit or alienate any of one's freedoms other than the judicial or executive power. All legitimate government is established by consent not by force. The political power, which emerges following the creation of civil society has as its purpose the creation of laws which do not contradict the law of nature but which secure it to all men. The liberty of men in society

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Government' (1969; reprint ed., Cambridge: Cambridge University Press, 1982), pp. 106-107.

[22] Locke, Two Treatises, 13. 2-8.

> is to be under no other Legislative Power, but that established, by consent, in the Commonwealth, nor under the Dominion of any Will, or Restraint of any Law, but what the Legislative shall enact, according to the trust put in it. . . . But Freedom of Men under Government, is, to have a standing Rule to live by, common to everyone of that Society, and made by the Legislative Power erected in it; A Liberty to follow my own Will in all things, where the Rule prescribes not . . . .[23]

The end of civil law "is not to abolish or restrain, but to preserve and enlarge Freedom."[24] But freedom for Locke is not, as Filmer claimed, "A Liberty for every Man to do what he lists." Rather, it is

> a Liberty to dispose, and order, as he lists, his Person, Actions, Possession, and his whole Property, within the Allowance of those Laws under which he is; and therein not to be subject to the arbitrary Will of another, but freely follow his own.[25]

Originally all men capable of reason possess the executive power of the law of nature, but when they enter civil society and establish a government, they surrender this power to punish transgressors of the law of nature.[26] One then quits "his Executive Power of the Law of Nature" which is resigned to the public "and there only is a Political, or Civil Society." One people or one government is then established,

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[23] Ibid., 22. 5-16.

[24] Ibid., 57. 20-21.

[25] Ibid., 57. 28-32.

[26] Ibid., 88. 10-13.

> And this puts Men out of a State of Nature into that of a Commonwealth, by setting up a Judge on Earth, with Authority to determine all the Controversies, and redress the Injuries, that may happen to any Member of the Commonwealth; which Judge is the Legislative, or Magistrates appointed by it. And where-ever there are any number of Men, however associated, that have no such decisive power to appeal to, there they are still in the state of Nature.[27]

The protection of property is the most important function of government.[28] Property rights emanate from God because He has a property in all men. While in a state of nature, real property is held in common until brought into individual ownership, which occurs when one makes productive use of what God has placed on earth for man's use:

> Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a Property in his own Person. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature both provided, and left it in, he hath mixed his Labour with, and joyned to it something that is his own, and thereby makes it his Property. . . . For this Labour being the unquestionable Property of the Labourer, no Man but he can have a right to what is once joyned

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[27] Ibid., 89. 13-21.

[28] C.B. MacPherson holds that Locke Restricted political rights to property owners, those who were "fully rational". C.B. MacPherson, The Political Theory of Possessive Individualism. Hobbes to Locke, (Oxford: Oxford University Press, 1962), pp. 221-251. For a criticism of MacPherson on this point see Sir Issiah Berlin, "Hobbes, Locke and Professor MacPherson," The Political Quarterly 35 (1964), pp. 444-468.

> to, at least where there is enough, and as good left in common for others.[29]

That is, one acquires a right to what one has produced, grown, collected, or improved. However, one only has a right to what one can use; anything in excess of this that is subject to spoilation, one does not have a right to because God, "gave it to the use of the Industrious and the Rational . . . not to the Fancy or Covetousness of the Quarrelsome and Contentious."[30]

Government has the power to regulate property but it cannot take any part of a man's property from him without his consent since the preservation of property is the end of government and the reason that men enter society; therefore, it is absurd to suppose that they should lose it once they leave the state of nature.[31] Consent of the people is thus required before a government can levy taxes because without such consent the sovereign "thereby invades the Fundamental Law of Property, and subverts the end of Government."[32]

The final Lockean theme we need consider is that of the conditions under which the government may be dissolved.

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[29] Locke, Two Treatises, 27. 1-15.

[30] Ibid., 34. 5-8.

[31] Ibid., 138. 3.

[32] Ibid., 140. 9-11.

Locke first distinguishes between the dissolution of government and the dissolution of society:

> He that will with any clearness speak of the Dissolution of Government, out, in the first place to distinguish between the Dissolution of the Society, and the Dissolution of the Government.[33]

He goes on to observe that the usual way of dissolving the agreement men make between themselves to leave the state of nature and form a political society is through foreign conquest. Once the contractual bond that joined men together to form a community is broken, the government ends as well.

Of greater significance, however, is his claim that the government can also be dissolved when the legislators "put themselves into a state of war with the people."[34] This occurs when the property of the subject is invaded and the lives, liberties, or fortunes of the people are subject to arbitrary authority exercised by either the legislative or the executive power.[35] Such arbitrary actions by the legislative or the executive power dissolves the government and returns to the people the liberty they had in the state of nature. Whenever force is used without right, those using it, whether executors or legislators, are in an open state of war or rebellion against the people. When this

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[33] Ibid., 211. 1-4.

[34] Ibid., 222. 14-15.

[35] Ibid., 222. 20-23.

occurs, "all former Ties are cancelled, all other Rights cease, and everyone has a Right to defend himself, and to resist the Aggressor."[36] There is an explicit right of resistance, possessed by society at large, to the exercise of illegitimate power.

Aside from Locke's, there were other significant and influential responses to Filmer's defense of the divine right of kings. The most notable was Algernon Sidney in his Discourses Concerning Government. The Discourses were not published until 1698 but much of it was probably written around 1680. They proved to be immensely popular in England, after they were published, and even more so in America.

H. T. Dickinson argues that mainstream Whigs, after the Revolution of 1688, found Locke's ideas too radical so they continued to employ the concepts of an historical constitution, rather that natural rights, to legitimize popular participation in politics. Sidney is significant because he combined the arguments, which perhaps helps to explain his popularity.[37] I propose to outline the theoretical core of Sidney's Discourses in order to show how similar his position is to Locke's.

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[36] Ibid., 232. 4-6.

[37] See James Conniff, "Reason and History in Early Whig Thought: The Case of Algernon Sidney," Journal of the History of Ideas 43, No. 3 (1982): 397-416.

Algernon Sidney was born in 1622, ten years before Locke. He was of noble descent, the second son of the Earl of Leicester, by the eldest daughter of the Earl of Northumberland. In 1648 he was nominated to be one of Charles I's judges but he declined the nomination. Sidney was also opposed to the government of Oliver Cromwell, for the threat to liberty it posed. After the Restoration he lived in exile in Europe until 1677, when he returned to England. Sidney continued to oppose the monarchy until he was executed in 1683 for his alleged complicity in the Rye House Plot.[38]

In one of many arguments against the principles of patriarchalism Sidney proposes, like Locke, that the laws of nature are God's laws and they are based on reason. While the laws of England can make a man the sole heir of his father "the laws of nature do not so." His conception of the law of nature is stated in these terms:

> If nature does not make one man lord over his brethren, he can never come to be their lord, unless they make him so, or he subdue them. If he subdue them, it is an act of violence contrary to right, which may consequently be recovered: if they make him lord, it is for their own sakes, not for his; and he must seek their good, not his own, . . . But as reason is our nature, that can never be natural to us that is not rational.[39]

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[38] See J.H.M. Salmon, "Algernon Sidney and the Rye House Plot," History Today 4, No. 10 (October 1954): 698-705.

[39] Algernon Sidney, Discourses Concerning Government (London, 1751; reprint ed., Farnborough, Hants, London: Gregg International Publishers Limited, 1968), p. 72.

Liberty is the principle in which God created us; accordingly, man

> cannot justly be deprived of the liberty without cause; and that he doth not resign it, or any part of it, unless it be in consideration of a greater good, which he proposes himself.

Moreover, in direct response to Filmer's assertion that freedom is "A Liberty for every Man to do what he lists," Sidney adds that

> the liberty asserted is not a licentousness of doing what is pleasing to everyone against the command of God; but an exemption from all human laws, to which they have not given their assent.[40]

The laws of nature are the laws of God and are founded in reason. Men are born in a state of natural freedom and equality; any laws they enact must receive the assent of the people. In section 31 of chapter II Sidney states that the "liberties of nations are from God and nature, not from kings."[41] Every man has a common right to liberty and he

> cannot be deprived of it unless by his own consent, or by force: that no one man can force a multitude; or, if he did, it could confer no right on him: that a multitude, consenting to be governed by one man, doth confer upon him the power of governing them; the powers therefore that he has,are from them . . . .[42]

Section 33 of chapter III also discusses liberty, "the gift

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[40] Ibid., I. 2: 5-6.

[41] Ibid., II. 31: 242.

[42] Ibid., II. 31: 243.

of God and nature."[43] Man is naturally free and only God, "who confers this right upon us, can deprive us of it."[44] Liberty can be forfeited or willingly resigned but in the state of nature men are all equal and

> equals can have "no right over each other", no man can forfeit anything to one, who can justly demand nothing, unless it be by a personal injury . . . because where there is no society, one man is not bound by the actions of another.[45]

When men resign their loyalty they make a public declaration of their assent to be governed by others. The only ends for which governments are constituted are the obtaining of justice and protection of property and liberty. Sidney writes:

> If all princes are obliged, by the law of nature, to preserve the lands, goods, lives, and liberties of their subjects, those subjects have, by the law of nature, a right to their liberties, lands, goods, etc., ...[46]

Sidney asserts that a particular form of government is not "prescribed to us by God and nature" but that "we are left according to our own understanding, to constitute such as seem best to ourselves."[47] His preference is for a balanced constitution consisting of elements of monarchy,

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[43] Ibid., III. 33: 406.

[44] Ibid., III. 33: 406.

[45] Ibid., III. 33: 406.

[46] Ibid., III. 16: 320.

[47] Ibid., II. 16: 130. Also see II. 21: 154-155.

aristocracy, and democracy.[48] Sidney gives various historical examples of virtuous, mixed governments but the feature they all have in common is that they are chosen by the people "when they thought it best for themselves."[49]

After having shown that no government is dictated to men by God or nature and that men are rational creatures, Sidney concludes that power that is not easily restrained by law is not natural. It is corrupt because

> a duly created magistracy, governing a nation with their consent, can have no interest distinct from that of the public, or desire to diminish the strength of the people, which is their own, and by which they subsist.[50]

Men enter some kind of society or government in order to restrain liberty so that all may prosper and none become to powerful at the expense of the public. We find that reason

> injoins every man not to arrogate to himself more than he allows to others, nor to retain that liberty which will prove hurtful to him; or to expect that others will suffer themselves to be restrained, whilst he, to their prejudice, remains in the exercise of that freedom which nature allows.[51]

Government is based on the self-interested consent of men to restrain their natural liberties. It is not imposed on them by God or other men; its purpose is the preservation of freedom. Men who are innocent of wrongdoing should, in a

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[48] Ibid., II. 16: 130.

[49] Ibid., II. 16: 131.

[50] Ibid., II. 19: 146.

[51] Ibid., II. 20: 152.

properly constituted government, not suffer but should be protected by law, while those who do wrong should be punished. The work of the magistrate "is to execute this law . . . to restrain the fury of those within the society who will not be a law to themselves."[52] Monarchs are as much subject to the law as are his subjects. When the civil magistrate does not share power and does not acknowledge any rule beyond his own will, he sets himself up against the people. When he places himself above the law, then "seditions, tumults, and wars, are justified by the laws of God and man."[53] Such occasions occur

> when one or more men take upon them the power and name of a magistracy, to which they are not justly called. . . . When one or more, being justly called, continue in their magistracy longer than the laws by which they are called to prescribe. . . . When he or they who are rightly called, do assume a power, tho' within the time prescribed, that the law does not give; or turn that which the law does give, to an end different and contrary to that which is intended by it.[54]

Sidney also proposes a justification for rebellion that is remarkably like that of Locke. Rebellion to defend liberty can be among "the most just and honorable actions." Further, there can be "no such thing in the world as the rebellion of a nation against its own magistrates."[55] The

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[52] Ibid., II. 24: 174.

[53] Ibid.

[54] Ibid., II. 24: 175.

[55] Ibid., III. 36: 413.

peace maybe broken upon just grounds when the people are resisting oppression. Individual men are subject to the commands of the magistrate but "the whole body of the people is not so; for he is by and for the people, and the people is neither by nor for him."[56] Obedience to the magistrate

> is grounded upon, and measured by, the general law; and that law, regarding the welfare of the people, cannot set up the interest of one or a few men against the public. The whole body therefore of a nation cannot be tied to any other obedience than is consistent with the common good, according to their own judgement: and having never been subdued, or brought to terms of peace with their magistrates, they cannot be said to revolt or rebel against them, to whom they owe no more than seems good to themselves . . . .[57]

It is now possible to construct a Radical Whig paradigm using Locke's Two Treatises and Sidney's Discourses Concerning Government. We have seen that, with both thinkers, God's law of nature is prior to all positive or civic law and is the source of all men's natural rights. THus, legitimate political power is based on the consent of the people; its purpose is to preserve and protect natural rights. Following from this, revolution by the people against any government is legitimate when that government becomes a power unto itself, rather than for and of the people.

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[56] Ibid.

[57] Ibid.

Moreover, the Radical Whig paradigm was designed as an ideology to combat absolutism, particularly the doctrines of patriarchalism and divine right. Patriarchalism held that men did not possess natural rights but privileges determined by their position within a hierarchy of ranks. With respect to religion, absolutism was identified with the absence of freedom of thought and expression. In the economic sphere, absolutism was related to arbitrary and excessive taxation, the absence of a right to property (as it was understood by Locke) and the excessive regulation of trade through the granting of government monopolies. And, as we have seen, the Radical Whigs' fears of absolutism had some foundation.

However, conflict between the civic-humanist paradigm and the Radical Whig is fairly plain and difficult, if not impossible to reconcile. As we have seen in chapter 1, Pocock claims that the Radical Whig paradigm was irrelevant as a model for political and social criticism after the Revolution of 1688 because absolutism was a dead issue. After 1697, according to Pocock, those Whigs who were astute enough to realize this used the ideas and the vocabulary of civic humanism in order to oppose or support government policies.

Other historians have provided evidence which tends to make Pocock's view plausible. The ideological division that was already present in the Whig ranks during the

Exclusion Crisis, that is, the division between radical contractarians such as Locke, and Whigs who favoured the historical constitution, was exacerbated after the Revolution of 1688. It has been argued that the Bill of Rights was originally intended to be more radical[58] but that concessions were made to the Tories and to William that radically diminished the checks on executive power that were originally planned by a group of old Exclusionists.[59] The historian Mark Goldie dates the alliance of conservative Whigs and pragmatic Tories from this moment, and not 1694[60] when the Triennial Act was passed. Whatever the exact date, there was a definite Country/Court division after 1694 with most of the conservative Whigs in the Court party, and most of the older generation of Exclusionists and commonwealthmen dead.[61]

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[58] See Robert J. Frankle, "The Formulation of the Declaration of Rights," The Historical Journal 17, No. 2 (1974): 265-279; and Lois G. Schwoerer, The Declaration of Rights, 1689 (Baltimore: John Hopkins University Press, 1981). J.C.D. Clark, on the other hand, argues that it was not intended as a radical document. See J.C.D. Clark, English Society 1688-1832. Ideology, social structure and political practice during the ancien regime (Cambridge: Cambridge University Press, 1985).

[59] Mark Goldie, "The Roots of True Whiggism, 1688-94," History of Political Thought 1, No. 2 (June 1980): 218.

[60] J. H. Plumb, The Growth of Political Stability in England 1675-1725 (London: The Macmillan Press Ltd., 1967), p. 133.

[61] Goldie, "The Roots of True Whiggism," p. 235.

The standing army debate of 1697-99 saw the emergence of the next generation of commonwealthmen and what Robbins calls "Old Whigs." They found themselves in an unlikely alliance with those Tories who, out of principle or, because they were simply out of favour, found themselves in opposition to William and the Country party. These "Old Whigs"[62] were a diverse group of men, members of the ruling class, clergymen, as well as outsiders and dependents.[63] Their concerns were fairly uniform though: illegal, and arbitrary government, the separation of powers, religious toleration, and liberty; but the approach they took to these questions was far from uniform. Caroline Robbins suggests they were influenced by, among others, Locke,[64] Harrington, and Sidney (the Discourses were originally published in 1697, during the debate over the standing army). The Old Whigs were also widely read in the classics of Roman and Greek history, and were acquainted with Machiavelli. This perhaps explains the "conflation of the theory of an original contract with the notion of an

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[62] Robbins, The Eighteenth-Century Commonwealthman, pp. 88-134.

[63] Ibid., p. 88.

[64] Martyn Thompson claims the First Treatise was more widely read between 1690-1705 than the Second Treatise. See Martyn Thompson, "The Reception of Locke's Two Treatises of Government 1690-1705," Political Studies 24, no. 2 (1976): 184-191.

ancient constitution" which "appears again and again in the Whig literature after the Revolution."[65]

This appeal to historical evidence about the English constitution rather than to a rational theory about the nature of civil society and the rights of man has led several prominent historians of the period other than Pocock, to read Locke out of the historical picture.[66] According to Dickinson the appeal to history rather than principle satisfied the conservative instincts of the majority of Whigs because "it sanctioned the long-established social and political order which was dominated by men of property."[67] Most of the Whigs were conservative and many of the Old Whigs, such as Walter Moyle,[68] owed a greater debt to Harrington than to Locke. Nevertheless, in Cato's Letters, written by John Trenchard and Thomas Gordon, there is, as we shall see, definite and very convincing evidence of the ideas of Locke.

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[65] Dickinson, Liberty and Property, p. 73.

[66] Ibid., pp. 57-91. See also John Dunn, "The Politics of Locke in England and America in the eighteenth century," in John Locke: Problems and Perspectives, ed. John W. Yolton (Cambridge: Cambridge University Press, 1969).

[67] Dickinson, Liberty and Property, p. 61.

[68] Robbins, The Eighteenth-Century Commonwealthman, pp. 105-107.

Chapter III

Trenchard and Gordon

Before discussing the influence of the ideas of John Locke on John Trenchard and Thomas Gordon it will be worthwhile to examine their lives and publishing careers in the context of the nature of eighteenth-century pamphlet literature and of the political, constitutional, and economic controversies that motivated their careers as journalists. It is noteworthy that Trenchard and Gordon, in responding to these controversies, sought the higher ground of political principle and invariably championed such Whig causes as freedom of speech and the press, freedom of religion for dissenters, and the right of citizens to resist tyranny. This disposition is certainly evident in Cato's Letters and no doubt helps to account for the popularity of Cato's Letters in England and for their even greater popularity in America.

The proliferation of newspapers and political and satirical pamphlets during the eighteenth century was a result both of the efforts of Whig and Tory journalists to criticize or support the government, depending on who was in power, and of attempts on the part of ministers to garner favour for their policies. The lapsing of the

Licensing Act in 1695[1] facilitated the publication of newspapers and pamphlets as printers were no longer required to obtain a government permit for each new publication. The years following the repeal of this act saw an increase in the number and variety of newspapers, some of which were very short-lived.[2] As controversial issues arose, newspapers were founded specifically to argue out the points raised, then disappeared when the issue was resolved or ceased to interest the reading public. It was in this atmosphere of fierce political debate that Trenchard wrote pamphlets and articles which dealt with the most significant issues of the late seventeenth and early eighteenth centuries from a Whig perspective.

John Trenchard was born in Cuteridge in 1662 and died in London in 1723. He was the son of William Trenchard, a distant relation of Sir John Trenchard. He received his university education at Trinity College, Dublin. Trenchard chose law as his first profession and in 1690 became a commissioner of forfeited estates in Ireland.[3] Because an

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[1] The Licensing Act was first passed in 1662 to prevent the publication of seditious writings. It required that all publications be licensed and registered with the Stationers' Company, a book-trade guild.

[2] David Harrison Stevens, Party Politics and English Journalism 1702-1742 (1916; reprint ed., New York: Russell and Russell, 1967), pp. 2, 5.

[3] David L. Jacobson, The English Libertarian Heritage, The American Heritage Series (Indianapolis: Bobbs-Merrill Co., 1965), p. xix.

uncle left him with a very substantial income, supplementing assets gained from his marriage to Anne Blackett, Trenchard was able to live in relative ease and to devote his time to writing.[4] Although he was later to become disillusioned with King William, Trenchard was an ardent supporter of the Glorious Revolution and even loaned William a sum of £60,000.[5] Indeed, as Jacobson observes, Trenchard was "a man of fair birth, good education, considerable wealth, and some small political importance."[6]

Trenchard was very interested in constitutional issues, both of church and state. The standing army controversy which raged during the period 1697-1699 generated numerous pamphlets as Whigs and Tories were split, even within their own parties, over the issue. Trenchard's pamphlets on this controversy are significant; one entitled "An Arguement Showing, that a Standing Army Is Inconsistent with a Free Government,and Absolutely Destructive to the Constitution of the English Monarchy,"

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[4] Dictionary of National Biography XIX (Oxford: Oxford University Press, 1921-22): 1125-1126.

[5] Lois G. Schwoerer, "The Literature of the Standing Army Controversy, 1697-1699," The Huntington Library Quarterly 28, No. 3 (May 1965): 189.

[6] Jacobson, The English Libertarian Heritage, p. xx.

inspired other political writers to answer his comments, in effect starting a pamphlet war.[7]

Trenchard's objection to the ideas of maintaining an army during peacetime was influenced by his reading of Lord Molesworth's[8] work, An Account of Denmark, in which the author discusses the revolution of 1660 in Denmark. Molesworth equated the presence of paid professional troops with absolutism.[9] In his arguments against maintaining a standing army, Trenchard asserted that the control of such an army would naturally fall to the king, thus creating an imbalance of power in the king's favour. This would make the right of citizens to resist tyranny all the more difficult to exercise and, in his pamphlets, Trenchard reminded people that the Glorious Revolution would have been impossible had the king been in control of an army.[10]

William was not without support however; both Daniel Defoe and John Somers wrote pamphlets in defense of his proposal. Their position was that of moderate Whigs who insisted that William was not likely to abuse his power if granted permission to establish an army.[11] Moreover France

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[7] Ibid., pp. 188-189.

[8] Robert, Lord Molesworth (1656-1725) was an Irish peer and among the most influential of the Whig writers.

[9] Ibid., p. 190.

[10] Ibid., p. 197.

[11] Ibid., p. 195.

remained strong and despite the peace which had been established it was felt that an army was necessary to defend against threats from the continent. Somers's pamphlet, the "Balancing Letter" attempted to alleviate fears of royal tyranny while playing upon the threat of war with France.

Trenchard regarded the standing army controversy as raising important philosophical issues and his criticisms were based on a theoretical discussion of government and politics. He was mainly concerned with the preservation of constitutional rights; he considered the contemporary international situation to be less threatening than the risk of absolutism in England. Trenchard felt that the militia would serve as an adequate defence and that mercenaries should not be hired to fight in place of Britons if war were to find them unprepared, as had been suggested by some pamphleteers. Trenchard stated: "If we have not a Power within our selves to defend our Laws, we are no Government."[12] The importance of the militia for Whigs like Trenchard arose from a belief that virtuous citizens had a duty to defend their own country and should not be dependent on either domestic or foreign professional soldiers to fulfill this duty.

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[12] Trenchard cited in Lois G. Schwoerer, "The Literature of the Standing Army Controversy," p. 198.

In effect the anti-army pamphleteers were isolationist in their approach to the question of national defense and, while they were not successful in obtaining the abolition of a standing army, they did succeed in limiting its size. The arguments of the pamphleteers had the effect of encouraging a sense of vigilance and of ensuring that "military might in England should not dominate civil authority".[13]

Thomas Gordon's birthdate is not known, but it is believed that he was born in the late seventeenth century in Kirkudbright, Scotland. His early life remains obscure; it is possible that he attended either the University of Aberdeen or St. Andrews.[14] Gordon arrived in London in 1717 and his first pamphlet was a humorous essay entitled "A Dedication to a Great Man Concerning Dedications." Later he began writing light essays for which he received weekly payment. These essays, compiled into two volumes entitled The Humorist, had a wide appeal.[15]

However, Gordon was more interested in politics than humour and it was his pamphlets on the Bangorian controversy (1717-1720), which drew the attention of Trenchard. This controversy was inspired by a pamphlet

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[13] Ibid., p. 212.

[14] J.M. Bulloch, "Thomas Gordon. The Independent Whig, A Biographical Bibliography," University of Aberdeen Bulletin III (1918): 600.

[15] Ibid., pp. 601-602.

written by Benjamin Hoadly,[16] then Bishop of Bangor, who followed it with a sermon delivered before the king on March 31, 1717, on the "Nature of the Kingdom of Christ." Hoadly's views in these two works were considered much too liberal by church authorities who resented what was essentially an attack on their prerogatives.[17]

The crux of Hoadly's arguments centered on the status of the clergy; Hoadly argued that the non-juring orders were invalid, but also went on to say that all holy orders were irrelevant.[18] Hoadly based his arguments on his interpretation of Scripture, in which he claims to find no specific instructions about the structure of the church, and extrapolates from this that church administration is thus based on human experience and not on divine command. Hoadly's statements caused a significant split within the church as well as weakening support for the Whig ministry.[19]

Gordon supported Bishop Hoadly's views on the church and wrote several satirical pamphlets on this issue, in which he used the case of the Spanish minister, Cardinal Alberoni, as an allegory for the relation of Church to

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16 "Preservative Against the Principles and Practices of the Nonjurors."

17 Jacobson, The English Libertarian Heritage, pp. xxi-xxii.

18 Kenyon, Revolution Principles, p. 195.

19 Ibid., pp. 195-196.

state in England. The first pamphlet, published in 1717, was entitled "A Modest Apology for Parson Alberoni," subtitled "A Short but Unanswerable Defense of Priestcraft." Another pamphlet, "Apology for the Danger of the Church," was an ironic defense of High Churchmen. Gordon sarcastically presents "Plain Proof that Laymen may Lawfully commit Sin, if they will pay for it and Kneel for Pardon to the Clergy."[20] Having already published a pamphlet on the abuses of the church, in 1709, entitled "The Natural History of Superstition", Trenchard became interested in Gordon's pamphlets on the Bangorian controversy and the two met in 1719 at the Grecian Coffee House in London.

The first collaborative efforts of Trenchard and Gordon produced a pamphlet against the Peerage Bill, which the Whig ministry sought to push through in 1719.[21] This bill, which occasioned much debate over the constitution,

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[20] "Apology for the Danger of the Church" cited in Jacobson, The English Libertarian Heritage, p. xxii.

[21] Laparde states that Trenchard's pamphlet was the most notable of those published in the debate over the Peerage Bill. Trenchard held that the Bill was the result of "court Intrigues" supported by "Solicitations" and kept "Secret till the latter End of the Sessions, when the country Members" were "at their Seats and Lawyers in their Circuits." Trenchard quoted in William Thomas Laparde, Public Opinion and Politics in Eighteenth Century England to Fall of Walpole (New York: The Macmillan Company, 1936), p. 222. The subject of "court Intrigues", especially those in countries where absolutism reigned, and their tendency to oppose the interests of the people by restricting freedom is one of the major themes of Cato's Letters.

sought to limit the number of new peers that could be created, thus securing to the Whigs a permanent majority in the House of Lords.

The Peerage Bill was passed in the House of Lords and even found favour among some radical Whigs because of abuses by Oxford's ministry[22] in the appointment of peers. In 1714, the Tories had been able to get the Treaty of Utrecht passed by appointing twelve new peers in one day.[23] Trenchard and Gordon objected to the Peerage Bill on the grounds that it would have fundamentally changed the government as it was laid out in the constitution without the consent of the people.[24] Walpole also objected to the bill because it was feared that the House of Lords would be frozen as pro-Sunderland[25] and Stanhope[26] if the bill were passed. Subsequently the bill was rejected by the Commons.

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[22] Robert Harley, First Earl of Oxford (1161-1724) entered parliament as a Whig but transferred his allegiance to the Tories following the accession of Anne in 1702. He was Lord High Treasurer from 1711-1714.

[23] Kenyon, Revolution Principles, p. 192.

[24] This support of the prerogative of the sovereign leaves Trenchard and Gordon open to the charge of hypocricy.

[25] Charles Spencer, Third Earl of Sunderland (1674-1722) became the First Lord of the Treasury, supplanting Walpole in 1718.

[26] James Stanhope, First Earl of Stanhope (1673-1721) became Secretary of State on the accession of George I in 1714.

The next known collaborative effort of Trenchard and Gordon was a pamphlet which addressed the issue of the importance of Gibraltar to the British Empire, a theme also discussed in Cato's Letters. This pamphlet, along with the pamphlet on the Peerage Bill were the precursors to their journal The Independent Whig. Trenchard and Gordon announced in the Gibraltar pamphlet that they would begin publishing a newspaper which would appear each Wednesday. The first issue, which appeared on December 20, 1719, was entitled "The Character of an Independent Whig", from which the paper thereafter took its name.

Trenchard and Gordon used The Independent Whig, which was published weekly throughout 1720 to outline their Whig principles. Most of the issues dealt with religious topics. Support for the Dissenters was urged by Trenchard and Gordon, who, wished, according to Jacobson, to emphasize "the need for a fuller recognition of the contributions of all Protestants to the continuing success of the Whig traditions and patterns of government."[27]

Before it stopped appearing in early 1721 there were fifty-three issues of the Independent Whig published. According to Jacobson, Gordon wrote twenty two of them, Trenchard eighteen, the two together wrote three, and the remaining ten, signed "C," were probably written by Anthony

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[27] Jacobson, The English Libertarian Heritage, p. xxiii.

Collins.[28] Bulloch states that the significance of this journal arises from "the enormous popularity it enjoyed in its day, for it is one of the few weekly periodicals that have ever been reprinted."[29] At least seven English editions of the collected Independent Whig have been discovered, printed between 1722 and 1747. It was reprinted at least twice in the American Colonies before the Revolution,[30] and also appeared in France, where it was reprinted as late as 1767.[31]

In 1720, Trenchard and Gordon turned their efforts towards a new journal, which was initially under Gordon's control, and was called the Thursday Journal because of the day of the week it was published. It was subsequently changed to the Saturday Journal, and soon afterwards to the London Journal.[32] It was in the London Journal, in the fall of 1720, that the first of Cato's Letters appeared, which were "to prove for nearly three years among the most

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[28] Ibid., p. xxiv.

[29] Bulloch, "Thomas Gordon," p. 604.

[30] Bernard Bailyn, The Ideological Origins of the American Revolution (Cambridge, Mass.: Belknap Press, 1967), p. 43.

[31] Bulloch, "Thomas Gordon," p. 64.

[32] K. L. Joshi, "The London Journal, 1719-1738," Journal of the University of Bombay IX (1940): 36.

troublesome thorns that pricked the vulnerable sides of the British ministry."[33]

The choice of the name Cato, which refers to Cato the Younger, who lived from 95 to 46 B. C., is representative of their desire to link Roman civic virtues with Whig principles.[34] The adoption of the name "Cato" for their essays also indicates Trenchard and Gordon's adherence to principles of liberty and resistance to tyranny associated with Cato. Cato was an opponent of Julius Caesar and became a martyr in the cause of resistance to tyranny when he committed suicide, after realizing that the supporters of Caesar had won. Cato was an uncle of Marcus Brutus, who later helped to assassinate Julius Caesar, and is described by Livy as being "equally above praise and vituperation."[35]

The event which inspired the first of Cato's Letters was the bursting of the South Sea Bubble during the autumn of 1720.[36] A total of thirteen letters were devoted to this

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[33] Charles Bechdolt Realey, "The London Journal and Its Authors, 1720-1723," Bulletin of the University of Kansas 36, No. 23 (December 1935): 1.

[34] Jacobson, The English Libertarian Heritage, p. xxv.

[35] Sir Paul Harvey, ed., Oxford Companion to Classical Literature (Oxford: Clarendon Press, 1932), p. 94.

[36] For a detailed discussion of the South Sea Company and the Bubble see: John G. Sperling, The South Sea Company. An Historical Essay and Bibliographical Finding List, Publication Number 17 of the Kress Library of Business and Economics (Boston: Baker Library, Harvard Graduate School of Business Administration, 1962); John Carswell, The South Sea Bubble (London: The Cresset Press, 1960); and chapters 5-7 in P.G.M. Dickson, The Financial

subject, which was perhaps the greatest political scandal of the age. A brief explanation of the affair is in order because it will facilitate understanding Cato's position on economic matters.

In 1720, stock in the South Sea Company fell from a high of 775 on September 1 to a low of 170 by October 14.[37] Almost overnight thousands of men and women from all classes of society had their expectations of fortune crushed, or had been reduced to beggary. In addition, revelations of the manipulation of the stock by some directors of the company implicated members of the House of Commons, the Lords, and even some of the Royal Family in the scandal.

The South Sea Company was created in 1711, a by-product of the negotiations to settle the terms of the end of the War of the Spanish Succession. It was largely through the efforts of Robert Harley that the Bill setting up the company was passed by the Commons. A creature of party politics the South Sea Company was always considered as a Tory rival to the Bank of England, a Whig creation.[38] When the South Sea Company was created it was intended by the government that a monopoly on trade to Spanish America

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Revolution in England. A Study in the Development of Public Credit 1688-1756 (London: Macmillan and Company Ltd., 1967).

[37] Sperling, The South Sea Company, p. 31.

[38] Carswell, The South Sea Bubble, p. 54.

would be granted the Company. Instead of receiving such concessions, the Company was granted the privileges of the Asiento, a contract granted by the King of Spain to supply 4800 slaves per year to America.[39] The Asiento was turned over to the British monarchy under the terms of the Treaty of the Spanish Succession. It was then turned over to the South Sea Company. A monopoly on Spanish American trade would have been quite lucrative but there was no profit to be made from the Asiento, which proved to be totally useless.

In 1719 the South Sea Company was chosen over its rival, the Bank of England, as the instrument to consolidate the national debt and reduce the financial burden on the State.[40] Bribes, in the form of fictitious stock, were offered by the directors of the South Sea Company to members of the Commons, Lords, and the Royal household. The stock was later "sold" back to the company.[41] This must certainly have made it easier to decline the proposal of the Bank to consolidate the

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[39] Sperling, The South Sea Company, p. 2.

[40] Trenchard supported the proposal of the Bank of England and wrote a pamphlet titled "A Comparison between the Proposals of the Bank and the South Sea Company, wherein it is shown that the Proposals of the First are much more advantageous to the Publick than those of the Latter, if they do not offer such Terms to the Annuitants as they will accept of". William Thomas Laparde, Public Opinion and Politics in Eighteenth Century England to Fall of Walpole, p. 229.

[41] Sperling, The South Sea Company, p. 29.

national debt. By the terms of the agreement between the South Sea Company and the Government it was proposed that all of the national debt[42] be subscribed as South Sea Stock. The South Sea Bill received royal assent on April 7, 1720.

Under the terms of the agreement the Company increased its capital by approximately £30,000,000, the estimated amount of the National Debt.[43] Holders of irredeemable annuities in the National Debt were allowed to exchange them for South Sea Stock if they wished; redeemable annuities could be exchanged or be paid in cash, at the discretion of the Company. In return for assuming the Government's debt the Company was required to pay the government a sum of between £4,000,000 and £7,000,000, depending on the amount of debt converted to South Sea Stock.[44]

The terms of conversion from government bond to South Sea stock was not fixed and a motion to settle the terms on which government creditors were to convert their bonds was defeated in the Commons. The result was that the Company would have to issue fewer shares in the conversion process

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[42] The long-term debt owed to the Bank of England and the East India Company, some £6,575,000, was excluded from this proposal. Dickson, The Financial Revolution in England, p. 93.

[43] Carswell, The South Sea Bubble, p. 104.

[44] Sperling, The South Sea Company, pp. 28-29.

if the price of the stock were high. If the £30,000,000 of government debt could be exchanged for South Sea stock at a price of 400, the Company would only have to give the creditors one quarter of the amount of stock.[45]

South Sea stock stood at a peak of 1050 in June, the price partly determined by purchases of the stock in the open market by the South Sea Company itself and by its directors approving loans on the security of the Stock. This encouraged a frenzy of speculation in South Sea stock, as did the "Bubble Act," which received Royal Assent on June 11. The result of this Act, designed to curb the widespread, unregulated creation of joint stock companies, was to intensify speculation on South Sea stock because other outlets for investment funds were now closed.[46]

The South Sea Company produced no goods, possessed no tangible assets and had no capital other than debts owed it. It was thus essentially made out of paper and had no reliable means of making payment to speculators and investors from whom the company had bought its own stock. The "bursting" of the Bubble occurred between September and December of 1720. It was precipitated by writs issued against four companies suspected of contravening the Bubble

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[45] The prices of South Sea Stock during 1720 can be found in Sperling, The South Sea Company, p. 31.

[46] Carswell, The South Sea Bubble, p. 168-172. Also see Sperling, The South Sea Company, p. 31.

Act.[47] This started a wave of selling throughout the market but South Sea stock was hit especially hard. Many investors bought high and either were unable to sell at all or sold at very much lower prices. Those that secured loans from the Company on stock were able to profit only if they got out of the market before it crashed.

The attempt to sort out the chaos created by the collapse of the market was led by Robert Walpole who became First Lord of the Treasury in April of 1721 after serving as Paymaster General since 1720. The directors of the company were either arrested or fled abroad. Their estates were then confiscated and sold. The South Sea Company was restructured with the assistance of the Bank of England. Cash and/or new stock in the restructured company was given to those who had either purchased stock or had converted their holdings in the National Debt to South Sea stock. The terms depended on the type of stock held.[48]

Walpole eventually succeeded in restoring confidence in public credit and in the government. The selection of company directors as scapegoats largely satisfied the public's desire for revenge on those responsible for the "South Sea Scheme." Business and finance were affected because of new regulations on the operation of joint-stock companies as well as the misuse of charters of

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[47] Carswell, The South Sea Bubble, p. 171-172.

[48] Sperling, The South Sea Company, pp. 36-37.

incorporation.[49] As to the far reaching effects, Sperling concludes:

> This conservatism in finance and politics inhibited the development of the economy and must certainly have influenced the nature of the coming Industrial Revolution. Instead of the new industrial exploitations being carried out by large corporations operating with royal and parliamentary approval and financial backing, most of these new undertakings were begun by small groups having limited finances.[50]

In August of 1721, an entire issue of the London Journal was devoted to the publication of the parliamentary investigation into the South Sea scandal. At the time, publication of such proceedings was not permitted and the author of the introduction to the journal's issue was charged with libel.[51] While it was widely believed that Gordon was behind the publication of the parliamentary inquiry, it was in fact Benjamin Norton Defoe, natural son of Daniel Defoe, who wrote the introduction and suffered the consequences.[52] The more famous and influential Trenchard and Gordon escaped legal repercussions even though they controlled the content of the London Journal.[53] The government may have felt that a libel case against these two would be more successful in creating free

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[49] Ibid., p. 37.

[50] Ibid., p. 38.

[51] K. L. Joshi, "The London Journal," p.44.

[52] Realey, "The London Journal," p. 18.

[53] Ibid., p. 23.

publicity for the journal than in punishing them for the piece, as had proved to be the case with previously well-publicized libel cases.

Other issues discussed in Cato's Letters were more general, such as the Whig idea of virtue and liberty and the justification for tyrannicide. Fifteen letters discuss tyranny and other evils of government, fourteen, the "wonders" of liberty and its products, four treat freedom of speech, at least ten discuss the danger to England from Jacobites, High Churchmen, and their Papist allies,[54] and approximately twenty-five address general questions of public morality and etiquette. Of the one hundred and thirty eight letrers, Gordon wrote approximately half of them.[55] The letters appeared frequently though irregularly, from November 12, 1720 to December 7, 1723, the day on which Trenchard died.

Cato's Letters aroused numerous attacks from other journalists, especially those whose papers lost business as a result of Cato's popularity. Nathaniel Mist, whose Weekly Journal lost much of its circulation to the London Journal was particularly bitter in his attacks on Cato.[56]

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[54] Jacobite plotting flared up in 1715, 1719, and 1722; the last a conspiracy involving Francis Atterbury, the Tory Bishop of Rochester, who was exiled for life by Parliament. Laparde, Public Opinion to Fall of Walpole, pp. 261-269.

[55] Jacobson, The English Libertarian Heritage, p. xxvi.

[56] Realey, "The London Journal," p. 8.

However, there were also numerous supporters who submitted elegiac poems in praise of Cato. For example the following appeared in the London Journal on December 21, 1721:

> I thought no Schemes our Justice could defeat,
> Nor Albion mourn, when Godlike Cato writ.
> May poor Britannia ne'er have cause to see
> A loss, O Cato, like the loss of Thee.
>
> To George, to Cato, to thy Patriots raise
> Eternal Pillars of Immortal Praise.
>
> How bright the shining Patriot stands confest.
> Great Cato's soul informs his generous breast!
> 'Gainst power usurp'd, he points his God-like Rage,
> And deals out Freedom to a future Age.[57]

So great was the popularity of Cato's Letters, that the London Journal was sold for a higher price than its competitors.[58]

The popularity of Cato's Letters, however, was primarily responsible for the demise of The London Journal. Because the government was the principal victim of Cato's popularity, it sought ways to silence the Journal. The discomfort caused the government by Cato's attacks was heightened by the fact that there were many more anti-government journals during the 1720's than newspapers that supported it. In 1721, when Walpole became First Lord of the Treasury and Chancellor of the Exchequer, there were some forty journals published each week, of which only

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[57] Cited in Realey, "The London Journal," p. 8.

[58] Ibid., p. 10.

three or four could be relied upon to support the government.[59]

Patronage had previously been a method favoured by the Harley administration to win over writers to the government side, and Harley's relations with Daniel Defoe are illustrative of this. Libel suits were also frequent when government found the criticisms of its policies too violent to let pass. On several occasions, the London Journal faced prosecution for its contents, as was shown in the case of Benjamin Norton Defoe and the publication of the parliamentary debates discussed earlier.

The popularity of Cato's Letters forced Walpole to find other means than libel suits to silence his critics at the London Journal. Walpole eventually succeeded in assuring that the London Journal would publish no more material hostile to his administration through his access to public funds. Walpole's method was one of direct payment to publishers, authors or printers in return for their support of his government. It is believed that some 50,000 were distributed by Walpole to the press during his administration.[60] Walpole succeeded in buying the London Journal's allegiance through payments to the proprietor, Elize Dobree, and Cato's Letters were subsequently published in the less influential British Journal from

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[59] Ibid., p. 11.

[60] Jacobson, The English Libertarian Heritage, p. xxvii.

September of 1722 to December of 1723. However, the letters in the British Journal never enjoyed the popularity accorded the earlier letters in the London Journal.

Gordon continued to write after Trenchard's death but his political writings were of no consequence. His major work in the period from 1723 to 1750 was his translation of Tacitus in 1728 and of Sallust in 1744. Gordon also seems to have succumbed to the appeal of government patronage as he received the position of first commissioner for wine licenses from Walpole, a post he held until his death in 1750.

Nevertheless, in spite of the demise of the London Journal, Cato's Letters enjoyed an abiding popularity. They were reprinted numerous times in England. They were reprinted at least six times in book form between 1721 and 1754. In addition the Letters were also translated into French and Dutch.[61]

Cato's Letters were even more popular in the American colonies during the pre-revolutionary period than they were in England. Excerpts first began to appear in James Franklin's New England Courant eleven months after their first appearance in London.[62] They were so popular there that countless pamphleteers "quoted from, plagiarized, and

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[61] Bulloch, "Thomas Gordon," p. 230.

[62] Bailyn, The Ideological Origins of the American Revolution, p. 43.

modeled their writings on Cato's Letters and The Independent Whig."[63] The invocation of Cato the Younger, martyr to the cause of liberty and foe of tryrants, had a special efficacy among Americans and gave Cato's Letters additional authority. The character of Cato, according to Bailyn, gave rise

> to what might be called a 'Catonic' image, central to the political theory of the time in which the career of the half-mythological Roman and the words of the two London journalists merged indistinguishably.[64]

Indeed, Bailyn notes that the early eighteenth-century writers in England "--coffeehouse radicals and opposition politicians, spokesmen for the anti-Court independents within Parliament and the disaffected without--" did more to shape the minds of the American Revolutionary generation than any other. But the most important of these writers were, by far, "those spokesmen of extreme libertarianism" Trenchard and Gordon.[65]

Bailyn goes on to state that the Independent Whig and Cato's Letters were often reprinted, either in part or in whole and that

> the writings of Trenchard and Gordon ranked with the treatises of Locke as the most authoritative statement of the nature of political liberty and

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[63] Ibid., p. 45.

[64] Ibid., p. 44

[65] Bailyn, The Ideological Origins of the American Revolution, p. 35.

above Locke as an exposition of the social sources of the threats it faced.[66]

Letter 106 of Cato's Letters was particularly popular in America because of its discussion of the relationship between colonists and the mother country. Trenchard and Gordon suggested that only if colonial interests were also well served would such a relationship last as the colonies grew and prospered. They argued that "sentiment" would not be a strong enough factor to guarantee the adherence of the colonies to British rule and that the imposition of restrictions on the colonists would only result in their demands for independence. American pamphleteers made extensive use of quotations from Cato's Letters in their demands for greater freedom.[67]

Other topics treated in Cato's Letters and The Independent Whig were of even greater interest to the colonists than was Letter No. 106. In particular, discussions of religious freedom and political theory as presented by Trenchard and Gordon were studied in the pre-revolutionary era by such men as Benjamin Franklin who frequently borrowed arguments from the Letters to buttress his own arguments. Franklin was apparently so impressed with both the style and content of Cato's Letters and The Independent Whig that he encouraged their use for students

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[66] Ibid., p. 36.

[67] Jacobson, The English Libertarian Heritage, p. xlix-l.

in his "Proposals Relating to the Education of Youth" (1749).[68]

During the Revolutionary era John Adams and Thomas Jefferson as well as many others were familiar with, and made reference to the works of Trenchard and Gordon. Adams was particularly interested in their anticlerical views and mentions their widespread popularity in his own writings.

The works of Trenchard and Gordon also played a role in various bitterly-fought controversies which occurred in the pre-revolutionary period. The Zenger dispute, a libel case which occurred in the 1730's over the issue of freedom of the press, occasioned the use of quotations from Cato. Zenger made use not only of letters which addressed the question of freedom of speech and of the press, but also began to reprint entire sections from the Letters on the abuses perpetrated by tyrannical governments as the British authorities pursued their attack on his paper, The New York Weekly Journal.[69]

Cato's Letters and The Independent Whig were readily available even to those who could not afford books, as various newspapers, such as the Boston Gazette, The Pennsylvania Evening Post and The Maryland Gazette amongst many others reprinted these works in the 1770's.[70] Their

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[68] Ibid., p. li.

[69] Ibid., p. li-lii.

[70] Ibid., p. lvi-lvii.

popularity continued into the early nineteenth century, until a more nationalistic approach to political theory seemed to diminish such widespread admiration and imitation of English Whiggery as had been true of the eighteenth century in America.

Thus, Trenchard and Gordon were highly influential and had a wide appeal in England and especially in America. With this in mind it becomes especially important to determine precisely what kind of influence Cato's Letters reflects and evidently transmits. It would not be incautious to suggest that they transmitted an essentially Radical Whig position on the key issues of the day--political, constitutional, and economic. Certainly one must at least question the lack of caution with which Pocock dismisses the relevance of the Radical Whig paradigm in his account of Trenchard and Gordon. As I hope to show in the next chapter, through a close examination of Cato's Letters, the Radical Whig paradigm is, indeed, highly relevant to a proper understanding of Trenchard and Gordon after all.

Chapter IV

Cato's Letters

The major premise of civic humanism is that man is by nature a political being. The virtuous man is he who willingly subordinates his private interests to those of the public. Each man has a duty, as far as is possible, to participate in the polity. This is a way of demonstrating autonomy as a citizen, the opposite condition being a state of dependence or corruption. Ownership of land is the best foundation upon which to base the civic personality, because it is perceived as rendering one independent and would afford the individual the leisure to become an informed participant in government and a civil militia. That form of government is the best which is able to maintain a stable balance of all the interests in the state and thus prevent dissention or corruption.

Again, according to Pocock, civic humanism was the dominant mode of political discourse in Augustan England and was used by social and political critics like John Trenchard and Thomas Gordon to discuss the issues of the day. Pocock's reading of Cato's Letters holds that the central theme of the letters is the accommodation of commercial activity with civic virtue. Land, the foundation upon which the civic personality is built, had become less important in contrast to commerce, the creation

and exchange of liquid or mobile forms of property. Commercial activity, however, which requires credit, creates relationships of dependency and encourages speculation, both of which are forms of corruption. The worst type of credit is public credit, government borrowing from individuals to pursue state goals, facilitating in turn rule by patronage and standing armies.

Pocock claims that the vocabulary of civic humanism was thus modified by the Augustans in order to reach an accommodation with commerce. Politeness now became the form of virtue appropriate to a commercial society. Commerce could then be used as the vehicle to effect a transition from unpolished virtue to politeness.[1] The role of government, according to this interpretation of Cato's Letters, is to promote politeness by "requiring men to take long views instead of short, to identify their private interests with the general good, to erect an edifice of reason and virtue on a foundation of passion . . . ."[2]

However, this interpretation of the Letters is plausible only if one uncritically and selectively focusses on a small portion of the language Cato uses while ignoring the evidence that locates them firmly within the Radical Whig tradition of political discourse. The state of nature, natural law, and natural rights are frequently

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[1] Pocock, The Machiavellian Moment, p. 470.

[2] Ibid., p. 472.

referred to in the Letters, where they are used as moral and intellectual weapons against absolutism. When read in such a context, Cato's criticism of commerce turns out to be not so much directed against trade and commerce but against the restriction of one's natural rights that occur when government is involved in these areas. Thus, corruption in government occurs when individual rights and freedoms are either ignored or unprotected by law, which in turn depends upon the honesty and diligence of magistrates. Moreover, the purpose of government is not the inculcation of civic virtue but the protection of rights. To Cato a right to property in the Lockean sense of the term is inseparable from a right to liberty. And underpinning Cato's position here are certain assumptions about human nature which are not those of civic humanism but Lockean as well. I shall begin my discussion by demonstrating this latter point.

Such Radical Whig concepts as the state of nature, natural law, and natural rights are clearly outlined in letters 11, 42, 55, 59, and 62. Cato makes the point, time and time again, that when statutory laws or government fail to protect them, men must have recourse to reason and nature which can be the only guide in the making of laws. In Letter 11, Gordon suggests that those responsible for the South Sea Bubble should be punished, even though it had been determined that they broke no laws. He provides

several examples from Greek and Roman history of instances where a magistrate was granted special powers to prosecute those who had committed crimes against the public, but had not broken any existing statute laws. Gordon thinks that such an office should be created specifically to punish those most responsible for the Bubble. He justifies this position in recognizably Lockean terms:

> That the Benefit and Safety of the People constitutes the Supreme Law, is a universal and everlasting Maxim in Government: It can never be altered by municipal Statutes: No Customs can change, no positive Institutions can abrogate, no Time can efface this primary Law of Nature and Nations. The sole End of Men's entering into political Societies, was mutual Protection and Defense; and whatever Power does not contribute to those Purposes, is not Government, but Usurpation.
>
> Every Man in the State of Nature, had a Right to repel Injuries, and to revenge them; . . . Seeing therefore, that this Right was inherent in every private Man, it is absurd to suppose that National Legislatures, to whom every Man's private Power is committed, have not the same Right, and ought not to exercise it upon proper Occasions.[3]

Thus, Cato is not "inexorably revengeful" in a Machiavellian sense as Pocock claims;[4] rather, he invokes the rights of every man in a state of nature and reminds us that the protection of these rights was the reason for entering into political societies.

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[3] John Trenchard, and Thomas Gordon, Cato's Letters; Or, Essays on Liberty, Civil , and Religious, And other important subjects, 3rd ed., (1733; Reprint edition in 2 Vols, New York: Atheneum Publishers Inc., 1969): I, 66.

[4] Pocock, The Machiavellian Moment, p. 468.

Reference to the state of nature is again found in Letter 55 entitled "The Lawfulness of Killing Julius Caesar Considered, and Defended," also written by Gordon. The language is unmistakably that of Locke:

> But Caesar violated the Laws of Nature, and of his Country, by enslaving those whom he was entrusted and bound to defend.
>
> Every Body, I believe, will own, that when he first made War upon his Country, his Country had a Right to make War upon him; and to destroy him, who sought to destroy them. . . .
>
> The Reason why one private Man must not kill another in Society, even when he does that which deserves Death, is, That in Society no Man must be his own Judge, or take his own Revenge; . . . But if the Offender set himself above the Law and the Judges, . . . Whoever puts himself in a State of War against me, gives me a Right of War against his; and Violence is a proper Remedy for Violence, when no other is left.
>
> That Right which, in the State of Nature, every Man had, of repelling and revenging Injuries, in such Manner as every Man thought best, is transferred to the Magistrate, when Political Societies are formed, and Magistracy established; but must return to private Men again, when Society is dissolved . . . .[5]

Gordon here refers not only to the state of nature but identifies the reason why men leave this state; that is, because they lack a common judge, they form civil societies, which make laws designed to protect all men. When a magistrate makes war upon those he was elected to protect by setting himself above the law, men are once again returned to a state of nature and have the right to

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[5] Trenchard and Gordon, Cato's Letters, II, 168-169.

protect themselves. Gordon later makes it clear that it is the whole people, not the individual, who have the right to oppose tyrants when he writes:

> It is a most wicked and absurd Position, to say that a whole People can ever be in such a Situation, as not to have a Right to defend and preserve themselves, when there is not other Power in Being to protect and defend them . . . .[6]

For Gordon, as it is for Locke, resistance to the tyrannical abuse of the trust placed in magistrates is justified when all the people are affected, and have been returned to a state of nature by the unlawful actions of their governors.

The Lockean state of nature is, perhaps, most clearly posited by Trenchard in Letter 60. It is titled "All Government Proved to be Instituted by Men, and Only to Intend the General Good of Men." Trenchard obviously has Filmer and his intellectual descendants in mind when he writes:

> There is no Government now upon Earth, which owes its Formation or Beginning to the immediate Revelation of God, or can derive its Existence from such Revelation: . . . Government therefore can have no Power, but such as Men can give, and such as they actually did give, or permit for their own Sakes: Nor can any Government be in Fact framed but by Consent . . . .[7]

After establishing that government is founded on consent Trenchard states:

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[6] Ibid., II, 169.

[7] Ibid., II, 226.

> Nor has any Man in the State of Nature, Power over his own Life, or to take away the Life of another, unless to defend his own, or what is as much his own, namely his Property. This Power therefore, which no Man has, no Man can transfer to another.
>
> Nor could any Man, in the State of Nature, have a Right to violate the Property of another; that is, what another had acquired by his Art or Labour; or to interrupt him in his Industry and Enjoyments, as long as he himself was not injured by that Industry and those Enjoyments. No Man therefore could transfer to the Magistrate that Right which he had not himself.[8]

Trenchard's state of nature, like Locke's, is the condition in which God himself places all men in the world, prior to the societies they fashion. The duties of each man under the law of nature are matched by the rights each possesses under this law. No man can take his own life, or that of another unless in self defense. No man can violate the property of another. Therefore, what none have a right to do cannot be transferred to another or to the government.

However, a man has natural rights, not just civic duties, which are confirmed by reason and protected by the laws of nature. The natural rights protected by Trenchard's conception of the law of nature are almost identical to those of Locke. Each man has a right to his own life, and "what is as much his own, namely his Property." In this passage a man's life is linked to his property just as Locke identifies man as having a property in himself. What is proper to man cannot be transferred to

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[8] Ibid., II, 228.

another nor can it be violated by another. Property is that which is acquired by "art or labour," not necessarily the real property essential to the establishment of civic humanist virtue. And, indeed, Trenchard identifies property with anything men create with their labour. Each man alone has a right to enjoy the fruits of his labour, in whichever way he sees fit, as long as he does not harm others.

As we have already seen, civic humanism, according to Pocock, came to terms with commerce when commerce was viewed as the means by which a transition from unpolished virtue to politeness could be effected. Mobile forms of property could then serve as a foundation upon which modern civic virtue could be based. However, no mention is made of property existing to serve this purpose in the passage from the Letters cited earlier, but the acquisition of any form of property is deemed a right of each man, to be enjoyed as he sees fit. Commerce is not, as Pocock claimed, "enriched and ordered by virtue", nor does "virtue protect commerce."[9] Commercial activity is, simply, the exercise of a natural right. As with all such rights the right to property is protected by the laws of nature. Trenchard states, with reference to the disposal of one's labour and property that if anyone "through his own Inadvertence, or by the Fraud or Violence of another" is drawn into a

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[9] Pocock, Machiavellian Moment, p. 470.

contract "he is relievable by the eternal Laws of God and Reason."[10] If a man finds that he has made a foolish contract and is not protected by the laws of the state the "Laws of Nature and general Reason supercede the municipal and positive Laws of Nations . . . ."[11]

Thus, it is apparent that Trenchard and Gordon structure their thought in terms of natural law and natural rights which cannot be alienated to any government. As we have seen, two such rights are the right to maintain one's life and property. Trenchard identifies a third inalienable right in Letter 59. Its title is "Liberty Proved to be the unalienable Right of All Mankind."

Here, Trenchard states that "All Governments, under whatever Form they are administered, ought to be administered for the Good of the Society; . . . This being the End of all Government . . . ."[12] If they are not administered for the good of society, governments can be resisted or overthrown for the following reason:

> All Men are born free; Liberty is a Gift which they receive from God himself; nor can they alienate the same by Consent, though possibly they man forfeit it by Crimes. No Man has Power over his own Life, or to dispose of his own Religion, and cannot consequently transfer the Power of either to any body else: Much less can he give away the Lives and Liberties, Religion or acquired Property of his Posterity, who will be

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[10] Trenchard and Gordon, Cato's Letters, II, 228.

[11] Ibid., II, 229.

[12] Ibid., II, 214.

> born as free as he himself was born, and can never be bound by his wicked and ridiculous Bargain.
>
> The Right of the Magistrate arises only from the Right of private Men to defend themselves, to repel Injuries, and to punish those who commit them: That Right being conveyed by the Society to their public Representative, he can execute the same no further than the Benefit and Security of that Society requires he should.[13]

Liberty is another natural right, like that of life and property, which cannot be alienated, even by consent. Therefore government cannot have a lawful power over the lives, liberty, or property of any man. It serves only to protect and preserve these rights--a duty transferred to government when men form civil societies.

The civic humanist views liberty as a product between the balance of government and property. A man can enjoy civic liberty, autonomous participation in the polity, but in no sense is liberty conceived as a gift one receives from God nor is it seen as a right to the fruits of one's labour. In contrast to this Gordon writes in Letter 62:

> By Liberty, I understood the Power which every Man has over his own Actions, and his Right to enjoy the Fruits of his Labour, Art, and Industry, as far as by it he hurts not the Society, or any Members of it, by taking from any Member, or by hindering him from enjoying what he himself enjoys. The Fruits of a Man's honest Industry are the just Rewards of it, ascertained to him by natural and eternal Equity, as is his Title to use them in a Manner which he thinks fit: And thus, with the above Limitations, every

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[13] Ibid., II, 216.

> Man is sole Lord and Arbiter of his own private Actions and Property.[14]

Once again Cato notes that men form political societies to protect their liberty and their property, which they possess as right, not as a dispensation from government. In addition we find that this liberty is not abridged by entering into political societies:

> The entering into political Society, is so far from a Departure from this natural Right, that to preserve it, was the sole Reason why Men did so; and mutual Protection and Assistance is the only reasonable Purpose of all reasonable Societies.[15]

In the letter just cited, Gordon also makes the following observation which can serve as a summary of what I have indicated are Cato's assumptions about human nature. He notes that

> True and impartial Liberty is therefore the Right of every Man to pursue the natural, reasonable, and religious Dictates of his own Mind; to think what he will, and act as he thinks, provided he acts not to the Prejudice of another; to spend his own Money himself, and lay out the Produce of his Labour his own Way; and to labour for his own Pleasure and Profit, . . .
>
> So that Civil Government is only a partial Restraint put by the Laws of Agreement and Society upon natural and absolute Liberty . . . .[16]

From what we have seen thus far, it is obvious that there is much evidence that would support a Radical Whig

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[14] Ibid., II, 244-45.

[15] Ibid., II, 245.

[16] Ibid., II, p. 248.

interpretation of Cato's Letters. It has been established that men possess inherent rights to life, liberty, and property; that government exists to protect these rights, and derives its authority from consent. We shall now see how Cato expands upon these themes in his discussion of certain economic, political, and religious topics.

On these matters, Pocock simply fails to take into account the natural law framework within which Cato discusses them. For example, Pocock paraphrases a passage from Letter 67 to the effect that "a society founded in land alone entails the barbarism and vassalage of Poland or the Scottish Highlands and that trade must be added to husbandry if the darker aspects of Gothic society are to be overcome."[17] This he takes as a reference to unpolished virtue, which needs the assistance of commerce to effect a transition to a polite society. However, there is a different way of interpreting this letter Pocock chose to paraphrase, especially if one keeps in mind what Trenchard and Gordon have already said about liberty and property. Gordon cites numerous examples of societies, including Poland and the Highlands of Scotland, "where a few have Liberty, and all the rest are Slaves."[18] No mention is made of "unpolished virtue" but poverty, desolation, and

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[17] Pocock, The Machiavellian Moment, p. 470.

[18] Trenchard and Gordon, Cato's Letters, II, 305.

misery[19] are frequently mentioned as the characteristics of societies under the dominion of tyrannical governments that deny men the freedom to dispose of their labour as they see fit. Gordon notes that:

> Where there is Liberty, there are Encouragements to Labour, because People labour for themselves; and no one can take from them the Acquisitions which they make by their Labour: . . . there will be the greatest Stocks, because most is to be got, and easiest to be got, and safest when it is got; and those Stocks will be always increasing by a new Accession of Money acquired elsewhere, where there is no Security of enjoying it; there People will be able to work cheapest, because less Taxes will be put upon their Work, and upon the Necessaries which must support them . . . and there the Interest of Money will be lower, and the Security of possessing it greater, . . .
>
> Trade cannot be carried on so cheap as in free Countries; and whoever supplies the Commodity cheapest, will command the Market. In free Countries, Men bring out their Money for their Use, Pleasure, and Profit, and think of all Ways to employ it for their Interest and Advantage.[20]

The meaning of this passage is fairly simple. When men are free to act on their right to property, they will prosper. Capital investment and the supply of goods are greatest in those states where property rights are protected. Low taxes and a low interest rate mean lower prices, which makes labour very competitive because men will be able to work for less than their competitors. The conditions that advance economic prosperity and liberty, for the two cannot be separated, are outlined by Gordon in

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[19] Ibid., II, 310.

[20] Ibid., II, 308-309.

this letter, with no mention of the corruptive influence that trade and commerce have on one's virtue.

Pocock claims Cato's conception of commerce and trade is fanciful; that trade is "a coy and humorous Dame, who must be won by Flattery and Allurements" and "marriage to this enchantress means that we must live in a world of magic and transformation."[21] Pocock notes that, for Cato, virtue is the passion for pursuing the public good and that the passions are the pursuits of private and particular goods.[22] If the passions unleashed by commerce were directed to the public good the "world of magic and transformation" could be transformed into one of stability and virtue. But Gordon in the following passage offers a much less chimerical definition of trade--one which cannot be squared with civic-humanism:

> Men will not spontaneously toil and labour but for their own Advantage, for their Pleasure or their Profit, and to obtain something which they want or desire, and which, for the most part, is not to be obtained but by Force or Consent. Force is often dangerous; and when employed to acquire what is not ours, it is always unjust; and therefore Men, to procure from others what they had not before, must gain their Consent; which is not to be gained, but by giving them in lieu of the Thing desired, something which they want and value more than what they part with. This is what we call Trade; which is the Exchange of one Commodity for another, or for that which purchases all Commodities, Silver and Gold.[23]

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[21] Pocock, The Machiavellian Moment, pp. 470-471.

[22] Pocock, Machiavellian Moment, p. 472.

[23] Trenchard and Gordon, Cato's Letters, II, 304.

Here, Gordon states that men work in order to pursue their own interests, that this is natural, and that trade is the simple exchange of one commodity for another, which facilitates the lawful pursuit of one's private interests.

The economic advantages of living in a society where liberty is the rule is the theme of Letter 68. There the people

> have no Masters but the Laws, and such as the Laws appoint; where both Laws and Magistracy are formed by the People or their Deputies, and no Demands are made upon them, but what are made by the Law; and they know to a Penny, what to pay before it is asked . . . .[24]

In contrast, Muscovy, according to Gordon, is a country where trade and commerce are stifled by the absolutism of the Czar. Gordon acknowledges the technical improvements made in Russia under Peter but concludes that "I do not find that the Numbers of his People are increased, or their general wretched Condition much mended." This is because of the enormous taxes that are raised and the oppression of the Boyers

> to whom he still leaves the raising of Money and the Direction of Trade: So that the general Oppression remains, Trade is deadened and distressed, the People burdened beyond Measure; sudden and arbitrary Duties are laid upon Commodities imported; the old Way of Monopolies is continued; the State of the Exchange, and the Allay and uncertain Value of the current Coin, are as bad as they can be . . . .[25]

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[24] Trenchard and Gordon, Cato's Letters, II, p 320.

[25] Ibid., II, 325.

Cato clearly dreads the poverty and vassalage that result when men do not enjoy economic freedom, not, as Pocock claims, the "indebtedness and the corruption through dependence that it brings."[26] He advocates freedom from public authority, guaranteed by laws that liberate trade and commerce by liberating men. These passages indicate Cato is not concerned, as Pocock would have it, that "no individual or group became so rich as to reduce others to dependence"[27] or that all men be "equally subject to public authority--equal in their opportunity of virtue, for if they are not there can be no virtue."[28] The dependence that in fact Cato is opposing is a dependence on the tyrannical authority of absolute government.

Perhaps the most explicitly Lockean statement of the benefits of increased wealth occurs in Letter 87, written by Trenchard. In this letter, commerce is immediately identified as the "grand Design and Business of all Mankind, the chief if not the only Spring of all their Actions, and animates and inspires their best as well as worst Performances."[29] It follows then, that it is the "Interest and Duty of States, by all prudent and just Methods, to encrease their Wealth and Power, and in

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[26] Pocock, Machiavellian Moment, p. 468.

[27] Ibid., p. 468.

[28] Ibid., p. 469.

[29] Trenchard and Gordon, Cato's Letters, III, 176.

Consequence their Security and Protection."[30] Men naturally pursue their self-interest through commerce and it is the business of government to facilitate the lawful creation of wealth. Civic virtue is not here identified as the end of government, or the chief business of mankind.

Trenchard next outlines the conditions necessary to produce a powerful nation and a contented people. While the balanced ownership of land is not mentioned as means to these ends the productive use of labour is again and again referred to. Trenchard is certainly not speaking as a civic humanist in the following passage. He begins by noting that

> It is not the Extent of Territory, and vast Tracts of barren and uncultivated Land, which make States great and powerful, but Numbers of industrious People under a proper Oeconomy, and advantageously and usefully employed; . . . The Impossibility of subsisting by Idleness, renders them industrious, Emulation rouses their Ambition, and the Examples of others animate them to desire to live in Splendor and Plenty . . .[31]

Land frequently gets short shrift in this letter while cities and commerce are constantly praised:

> Labour in Husbandry is the least profitable Employment in the World, . . . and the meanest Mechanicks and Artificers earn more than Husbandmen, and consequently have a Surplus from their own Labour after they have bought the Production of the other's Industry. . . . This is the Circumstance of Cities and trading Towns, who have no Growth of their own, and yet grow rich by retailing and manufacturing the Growth of the neighboring Countries, over and above what

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[30] Ibid., III, 176.

[31] Ibid., III, 180-181.

> they consume for their own Subsistence and Use . . . .[32]

Necessity forces men to work hard in order to support themselves and their families. A combination of hard work and liberty will benefit all men because this increases competition, productivity and invention, which are hardly conducive to the establishment of civic virtue:

> Great Numbers of People crowded together, are forced by their Necessities to turn every Stone, and try every Method to support themselves and Families, and by doing so will trace and discover by Degrees all the Sources of Wealth. All Ways will be found out to make Trade commodious and profitable, numerous Contrivances be thought on to come at the Materials of Manufactures easily and at cheap Rates, and to work them again at the lowest Prices. . . . Riches will be amassed, Money become cheap, and the Interest of it lessened; and the lowering the Interest of Money will open new Trades, and still bring in more Money . . . .[33]

Cato's discussion in Letters 87 and 88 of specie and of trade in gold and silver, which "by the universal Consent of Mankind, . . . is become the Medium of all Commerce"[34] also could more easily be accommodated within the Radical Whig rather than the civic humanist paradigm. Gold and silver facilitate commercial expansion by making it easier to trade. Cato recommends free trade rather than government regulation of the economy because the latter often leads to war. He notes that it is easier to gain the

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[32] Ibid., III, 183.

[33] Ibid., III, 181-182.

[34] Ibid., III, 178.

produce of another country, "and the Acquisition of their Labour and Industry" by a

> well regulated Commerce, than by Arms: The balance of Trade will return more clear Money from neighboring Countries, than can be forced from them by Fleets or Armies . . .[35]

In these letters, which deal with economic topics, no mention is made of virtue, or as Pocock describes it, "the passion for pursuing the public good . . . ."[36] Private happiness and commerce, on the other hand, are frequently lauded. Trade and the use of specie to increase it are conducive to the only public good that is here recognized--the lawful pursuit of individual wealth and prosperity. Contrary to Pocock's claim,[37] Cato does tell us what specific measures should be taken to ensure equality in a trading society. Laws that protect each man's right to property allow all to prosper. Any inequality that results will be the result of a natural inequality in talent and enterprise.

Pocock correctly identifies Cato's abhorrence of exclusive trading companies or monopolies but fails to note that Cato distinguishes between relatively free commerce, or trade between individuals or groups, and the unfair privileges that exclusive trading companies, or government

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[35] Ibid., III, 179-180.

[36] Pocock, Machiavellian Moment, p. 472.

[37] Ibid., p. 469.

monopolies enjoy. Cato approves of the former because it is consistent with liberty and natural law and conducive to human happiness. He disapproves of the latter because they interfere with individual liberty and commerce. Letters 90 and 91 spell out Cato's opposition to government monopolies. Trenchard begins by stating that "no Government ought to take away Men's natural Rights, the Business and Design of Government itself being to defend them"[38] and that bad laws ought to be replaced by good ones. The example given of bad laws are those that create monopolies. It is in the interest of a nation

> to sell their Commodities at as good a Price as the Markets Abroad can afford to buy them, and to bring in foreign Commodities as cheap as they can afford to sell them . . . .[39]

The interest of monopolies is directly contrary to this:

> for other People being prohibited to deal in the same Commodities, they can put what Price they please upon both, and ever will put what is most for their Advantage, . . . their Business being always to encrease the Price of Stock, without encreasing Trade.[40]

Moreover, exclusive trading companies maintain forts and garrisons abroad, the better to protect their privileges through the oppression of foreign peoples. This is done at public expense, with no benefit to the public:

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[38] Trenchard and Gordon, Cato's Letters, III, 201.

[39] Ibid., III, 204.

[40] Ibid., III, 204.

> they are the Bane of all fair Commerce, the Discouragement of our Manufactures, the Ruin of private and industrious Traders, and must end in the Ruin of themselves, and all Trade whatever . . . .[41]

If we keep in mind what Cato has said about lawful trade and commerce and of monopolies, the letters concerning the South Sea Bubble take on an entirely different meaning from that imputed by Pocock. The monied interest are not, as Pocock claims, those engaged in commerce but men who use public funds to pursue private ends, those so favoured by government policies that they can, unhindered, interfere with commerce. Cato recognizes that credit and debt are an integral part of any commercial society. The only sort of indebtedness he opposes is that which destroys commerce by restricting the freedom of the people to engage in trade. Four examples of "the Publick Credit of a Nation" are given in Letter 4 and are inconsistent with Pocock's understanding of the word "Publick"[42] as it is used in Cato's Letters.

> First, Credit may be said to run high, when the Commodities of a Nation find a ready Vent, and are sold at a good Price; and when Dealers may be safely trusted with them, upon reasonable Assurance of being paid.
>
> Secondly, When Lands and Houses find ready Purchasers, and when Money is to be borrowed at low Interest, in order to carry on Trade and Manufacture, at such Rates, as may enable us to undersell our Neighbors.

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[41] Ibid., III, 206.

[42] Pocock, Machiavellian Moment, p. 472.

> Thirdly, When People think it safe and advantageous to venture large Stocks in Trade and Dealing, and do not lock up their Money in Chests, or hide it under-ground And,
>
> Fourthly, When Notes, Mortgages, and Publick and Private Security will pass for Money, or easily procure Money, by selling for as much Silver or Gold as they are Security for: which can never happen, but upon a Presumption that the same Money may be had for them again.[43]

The world of commerce is not here represented as corrupt. Cato advocates the pursuit of private and particular goods and identifies the kinds of credit that allow men to freely and successfully engage in trade with an equal opportunity of commercial success.

The public good is equated, in the letters we have just examined, with the pursuit of private economic goods which should be protected by law. Corruption, then, does not emerge from the pursuit of private and particular goods, but the prevention of others from having an equal opportunity of realizing their individual goods. Gordon writes that it is in the interest of a nation

> to promote Credit and mutual Confidence; and the only possible Way effectually to do this, is to maintain Public Honour and Honesty; to provide ready Remedies for private Injustice and Oppression; . . .
>
> But National Credit can never be supported by lending Money without Security, or drawing in other People to do so; by raising Stocks and Commodities by Artifice and Fraud, to unnatural and imaginary Values; . . .

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[43] Trenchard and Gordon, Cato's Letters, I, 16.

> This is a Method, which, instead of preserving Publick Credit, destroys all Property; turns the Stock and Wealth of a Nation out of its proper Channels, . . . It starves the Poor, destroys Manufactures, ruins our Navigation, raises Insurrections . . . .[44]

Public men, those holding government office, should not be involved with such enterprises as the East India or South Sea Companies because they can use their positions to prejudice trade by granting monopoly privileges and awarding public funds without security. Government becomes corrupt when its officials abuse the trust placed in them when they use their power to infringe upon the right of the people. Monopolies restrict the right to liberty and property by banning competition.

Thus far in our analysis of Cato's Letters we have seen that there are explicit references, in many letters, to the state of nature, natural law, and natural rights. There are also clear references to property, both real and mobile, to which each has a right. Employment in commerce and trade is a right, and an instance of a public good, to the extent that the equal rights of others are not impeded. Commerce in itself does not lead to corruption, nor is the lawful exercise of one's right to property by engaging in commercial ventures an instance of non-virtuous behaviour. Corruption occurs when government violates the rights of

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[44] Ibid., I, 16-17.

individuals and political virtue is equivalent to the protection of these rights.

Letters 15, 24, 25, and 38 are meditations upon government, its purpose and the nature of its power. Government is based on the consent of the people; it is a trust placed in one or a few by the majority to protect their interests.

> What is Government, but a Trust committed by All, or the Most, to One or a Few, who are to attend upon the Affairs of All, that every one may, with the more Security, attend upon his own?[45]

> The Good of the Governed being the sole End of Government, . . . Power in a free State, is a Trust committed by All to One or a Few, to watch for the Security, and pursue the Interest of All . . . .[46]

The government of England, a limited monarchy, is based on consent. In a direct reference to the revolution of 1688 Trenchard writes:

> No Champions for Tyranny, or Dogmatizers for unlimited Dominion, have yet asserted, that a Prince may not resign his Crown by the Consent of his People, when he declines to hold it any longer upon the Conditions which he first accepted it.[47]

This trust is not fulfilled when governments rule by the exercise of arbitrary power. The greatest threat to freedom comes from those forms of government which are not based on consent. The dangers of absolutism are constantly

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[45] Ibid., II, 35.

[46] Ibid., I, 184.

[47] Ibid., I, 94.

referred to throughout the letters. The greatest danger is that posed to freedom of thought which, Cato claims, is the right of every man so long as it does not hurt or control the rights of others. This is the only check which should be placed on this basic right.[48] Cato also observes that this freedom and the freedom of property always go together:

> This sacred Privilege is so essential to free Governments, that the Security of Property, and the Freedom of Speech, always go together; and in those wretched Countries where a Man cannot call his Tongue his own, he can scarce call any Thing else his own. Whoever would overthrow the Liberty of a Nation, must begin by subduing the Freedom of Speech . . . .[49]

Freedom of religion is guaranteed by freedom of thought, contrary to Pocock's assertion that Cato is an advocate of civic religion. Letters number 60 and 166 advocate a separation of church and state. Once again letter number 60 begins with the assertion that all government is based on consent "if not of every Subject, yet of as many as can compel the rest . . . ."[50] In the state of nature

> no Man can give to another either what is none of his own, or what in its own Nature is inseparable from himself; as his Religion particularly is.
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> Every Man's Religion is his own; nor can the Religion of any Man, of what Nature or Figure

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[48] Ibid., I, 96-97.

[49] Ibid., I, 96.

[50] Ibid., II, 226.

> soever, be the Religion of another Man, unless he also chooses it; which Action utterly excludes all Force, Power, or Government. Religion can never come without Conviction, nor can Conviction come from Civil Authority; Religion, which is the Fear of God, cannot be subject to Power, which is the Fear of Man. It is a Relation between God and our own Souls only . . . . It is independent upon all human Directions, and superior to them . . . .[51]

Thus the sanctity of the individual is the foundation of the nature of God's relationship to man, a view more consistent with the ideas of Locke than those of Machiavellian civic humanism. Pocock is correct when he states that Cato is vehemently anticlerical but wrong when he suggests that Cato is interested in reducing the clergy to civic functionaries.[52]

It is the duty of every citizen to ensure that the trust placed in governors is not abused. This trust "ought to be bounded with many and strong Restraints . . . . Every Violation therefore of the Trust, where such Violation is considerable, ought to meet with proportional Punishment . . . ."[53] In Letter 13 Trenchard writes that every private subject

> has a Right to watch the Steps of those who would betray their Country; nor is he to take their Word about the Motives of their Designs, but to judge of their Designs by the Event.

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[51] Ibid., II, 227.

[52] Pocock, Machiavellian Moment, p. 476.

[53] Trenchard and Gordon, Cato's Letters, II, 36.

> This is the Principle of a Whig, this the Doctrine of Liberty . . . .[54]

In another direct reference to the revolution of 1688 Trenchard concludes

> Upon this Principle of Peoples' judging for themselves, and resisting lawless Force, stands our late happy Revolution, and with it the just and rightful Title of our most excellent Sovereign King George, to the Scepter of these Realms . . . .[55]

What is implied by these passages is the right of the people to resist the unlawful exercise of political power. If the civil magistrates oversteps the limitations placed on their power, the people can no longer legitimately be expected to obey them.

In conclusion, it is apparent that Pocock's reading of Cato's Letters ignores a great deal of evidence that supports a Radical Whig or liberal interpretation of them. The references to Machiavelli might have led to Pocock's selective analysis of the language used in the Letters. While Trenchard and Gordon make use of the terms virtue and corruption, this does not automatically place them in the civic humanist camp. Whatever the reason for Pocock's bias, it is clear that his interpretation of Cato's Letters rest on shaky foundations.

Many explicit references to the state of nature, natural law, and natural rights are present in the Letters,

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[54] Ibid., I, 86.

[55] Ibid., II, 225.

and thus provide the theoretical framework necessary to understand Cato's position on government and commerce. Cato posits a society of equal individuals who possess a natural right to life, liberty, and property. Absolutism is the worst form of government because it oppresses the people by violating these rights, thereby inhibiting commercial and intellectual progress. A just government, one that protects the individuals inherent rights, establishes the conditions necessary for material property and intellectual freedom.

According to my interpretation of Cato's Letters the inculcation of civic virtue, as it is understood by Pocock and defined by civic humanism, was not a major concern of Trenchard and Gordon. The ideology conveyed by the Letters to America was the liberalism of Locke, not the romantic nostalgia or the corporatism of civic humanism.

In addition it is clear that the influence of Locke on Augustan political discourse was not as insignificant as some historians have claimed, and the paradigmatic status accorded to the doctrine of civic humanism by Pocock needs to be reconsidered.[56] Historians of the revolutionary era in America, both those in favour of the republican synthesis and those supporting the idea of a liberal synthesis, are now willing to concede that both the ideas

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[56] See Banning, "Jefferson Ideology Revisited," and Appleby, "Republicanism in Old and New Contexts."

of civic humanism and liberal individualism were present in America during the eighteenth century.[57] The debate between historians of revolutionary America now seems to be over the popularity and influence of each ideology. What is needed is for similar concession to be made by historians of Augustan England.

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[57] Perhaps the use of the term paradigm by historians needs to be reconsidered, especially when it is used to justify the exclusion of evidence that might challenge their conclusions.

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